

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF BUENA VISTA

**IN RE: DEFERRED OR INSTALLMENT PAYMENT AGREEMENT GUIDELINES AND PROCEDURES FOR COLLECTION OF FINES, COSTS AND RESTITUTION**

**ORDER**

Pursuant to §§19.2-349, 19.2-354 and 19.2-354.1 of the *1950 Code of Virginia*, as amended, the Court authorizes the Clerk of the Circuit Court for the City of Buena Vista to establish and approve the conditions of all deferred or installment payment agreements pursuant to the following guidelines:

**A. Notice of Fines, Court Costs and Restitution.** Upon the assessment of any fines, court costs and restitution, the Clerk shall advise the defendant, either by mail at the last known address or in person, of the sums owed and if any additional costs, such as court-appointed attorney fees, will be added to the account.

**B. Collection Fee and Interest.** If the defendant is unable to pay the costs in full within thirty (30) days, the following will occur:

(1) 90 days after the due date, the account will be sent to the Virginia Department of Taxation for collection and a 17% collection fee will be assessed against the account.

(2) 180 days after the due date or, if the defendant is incarcerated, 180 days after the defendant's release date, the account will begin to accrue interest.

**C. Installment/Deferred Payment Agreement.** The defendant may satisfy payment of costs by requesting one of the following:

(1) enter into an installment payment agreement by making periodic payments at a minimum rate of \$50.00 per month, unless otherwise approved by the Court; or

(2) enter into a deferred payment agreement by paying costs in full on a future date.

In cases where the Court finds facts sufficient to convict but defers proceeding until a future review date and orders the defendant to pay court costs, the account will be established with payment in full deferred until either (a) a court-specified date, or (2) the review date set by the Court.

**D. Community Service.** The defendant may petition the Court to satisfy payment of costs through the performance of community service at a rate of \$9.50 per hour. *Community service cannot be applied to restitution, restitution interest or collection fees.* Community service performed while a defendant is incarcerated must be verified by the Virginia Department of Corrections and shall be credited at a rate of \$9.50 per hour, less any monetary compensation paid to the defendant by the Virginia Department of Corrections.

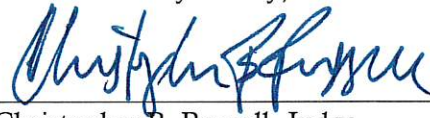
**E. Subsequent Installment Payment Agreement.** When a defendant has defaulted on an initial deferred or installment payment agreement for the outstanding balance owed to the Court, the defendant will be required to make a down payment of a minimum of 10% if the total owed is \$500.00 or less. If the fines, costs and restitution owed are more than \$500.00, the required down payment shall not exceed 5% of the outstanding balance or \$50.00, whichever is greater.

**F. Address Change.** A defendant who enters into an installment or deferred payment agreement shall promptly inform the Court of any change of mailing address during the term of the agreement.

**G. Modification of Agreement.** Any request for modification of an existing agreement must be made in writing. The Court or Clerk may alter the terms of a payment agreement.

The Clerk is directed to post this Order in the Clerk's Office and on the Court's website maintained by the Supreme Court of Virginia.

ENTERED this 1st day of July, 2021:

A handwritten signature in blue ink, appearing to read "Christopher B. Russell", written over a horizontal line.

Christopher B. Russell, Judge