

VIRGINIA--IN THE CIRCUIT COURT OF CULPEPER

IN RE: PROCEDURE FOR REQUESTS FOR CREDIT FOR COMMUNITY SERVICE OR QUALIFYING WORK PERFORMED WHILE INCARCERATED PURSUANT TO VIRGINIA CODE § 19.2-354

**ORDER**

WHEREAS, Virginia Code § 19.2-354 authorizes the satisfaction of fines and costs through community service and qualifying work performed while incarcerated; and

WHEREAS, the Court has an obligation to ensure that credits awarded are accurate, supported by reliable documentation, and not duplicated among multiple courts;

WHEREAS, the Court respects and follows the public policy established by the legislature and will consider such circumstances as permitted by law. Under Virginia law, the legislature is the author of public policy. Vasquez v. Dotson, 303 Va. 97 (2024); Prease v. Clarke, 302 Va. 376 (2024); Taylor v. Northam, 300 Va. 230 (2021); In re Woodley, 290 Va. 482 (2015); Stokes v. Commonwealth, 61 Va. App. 388 (2013); Commonwealth v. Lee, 115 Va. Cir. 425 (Culpeper Cir. Ct. 2025).

IT IS HEREBY ORDERED that any person seeking credit for community service or qualifying work performed while incarcerated shall comply with the following procedures:

1. PERSONAL APPEARANCE REQUIRED

Any defendant seeking credit for community service or qualifying work performed while incarcerated shall appear personally before the Court at a regularly scheduled motions day hearing at 11:00 a.m. or regularly scheduled restitution docket unless excused for good cause shown.

No request shall be granted solely upon the submission of written documents unless otherwise authorized by the Court.

2. SWORN TESTIMONY OF DEFENDANT

Before any credit is awarded, the defendant shall be placed under oath and shall certify under penalty of perjury that:

- (a) The hours submitted were actually performed;
- (b) The hours submitted have not previously been credited by this Court or any other state or federal court;
- (c) The hours submitted have not been presented to, credited by, or are currently pending before any other court for satisfaction of fines, costs, or other financial obligations;

(d) The defendant understands that any false statement may constitute perjury, contempt of court, obstruction of justice, forging and uttering of public documents or other criminal offenses under Virginia law.

### 3. WRITTEN AFFIDAVIT

The defendant shall execute a written affidavit containing the certifications set forth above. Such affidavit shall be filed among the papers of the case.

### 4. DEPARTMENT OF CORRECTIONS VERIFICATION

Any request based upon work performed while incarcerated shall be accompanied by a certification executed by an authorized representative of the Virginia Department of Corrections, regional jail, local jail, or other correctional facility.

The certification shall state:

- (a) The dates of incarceration;
- (b) The nature of the work performed;
- (c) The total number of hours worked;
- (d) Any wages or compensation paid to the inmate for such work;
- (e) Whether the records are maintained in the ordinary course of business by the correctional facility.
- (f) that the request has not been made to satisfy any other costs or fines from any state or federal court.

### 5. CERTIFICATION UNDER PENALTY OF PERJURY

The correctional-facility representative completing the certification shall sign the form immediately beneath the following declaration:

"I declare under penalty of perjury that the foregoing information is true and correct to the best of my knowledge and is based upon official records maintained by the correctional facility."

### 6. COURT DETERMINATION

The award of any credit shall remain subject to judicial approval. The Court may:

- (a) Receive testimony and documentary evidence;
- (b) Examine the defendant under oath;
- (c) Require additional records or witnesses;

(d) Deny any request that is unsupported, unreliable, incomplete, duplicative, or otherwise not authorized by law.

7. RECORD OF CREDIT

Any credit awarded shall be reflected by written order specifying:

- (a) The number of approved hours;
- (b) The rate of credit applied;
- (c) Any deductions required by law, including wages received for work performed while incarcerated;
- (d) The amount of fines and costs satisfied.

If all of the above requirements are met, the court will credit the community service work (minus wages paid) at the rate of \$18.00 per hour.

SO ORDERED.

ENTERED this 16 day of June, 2026.

Gale Duvon

JUDGE