

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF ACCOMACK

RE: COURT COSTS, FINES, AND RESTITUTION POLICY AND PROCEDURES

ORDER

The Clerk may enter into and approve a deferred payment agreement, an installment payment agreement, or a modified deferred payment agreement, upon the following guidelines:

Definitions.

"Fines and costs" means all fines, court costs, forfeitures, and penalties assessed in any case by a single court against a defendant for the commission of any crime or traffic infraction. "Fines and costs" includes restitution unless the court orders a separate payment schedule for restitution.

"Deferred payment agreement" means an agreement in which no installment payments are required, and the defendant agrees to pay the full amount of the fines and costs at the end of the agreement's stated term.

"Installment payment agreement" means an agreement in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full.

"Modified deferred payment agreement" means a deferred payment agreement in which the defendant also agrees to use best efforts to make monthly payments.

Payments. It is the responsibility of the Defendant to inquire into and make arrangement to pay these assessments. If the Defendant cannot make full payment of this assessment within 90 days of sentencing, the Court allows the Defendant to make payment in deferred payments or installments. Unless otherwise ordered by the Court, no down payment is due at the time a deferred, installment or modified deferred payment agreement is granted the Defendant, unless otherwise ordered by the Court. When a Deferred Payment Agreement is granted. All payment plans must be done in person. The Defendant shall make payments as follows:

Payment Schedule

Amount Owed	Minimum Monthly Payment
\$1.00 - \$499.00	\$25.00
\$500.00 - \$999.00	\$50.00
\$1000.00 – and up	\$100.00

Order of Payment Credits. If the defendant owes court-ordered restitution and enters into a deferred or installment payment agreement, any money collected pursuant to such agreement

shall be used first to satisfy such restitution order and any collection costs associated with restitution prior to being used to satisfy any other fine, forfeiture, penalty, or cost owed.

Interest on Unpaid Balances. Per Code of Virginia § 19.2-353.5, no interest accrues during any period in which a fine, costs, or both a fine and costs are being paid in deferred or installment payments pursuant to an order of the Court. Interest will accrue if the Defendant does not make payment in accord with the Deferred Payment Agreement. Interest cannot be stopped on Restitution and will continue to accrue at the judgment rate of interest set forth in Virginia Code § 6.2-302 until paid in full.

Modified Deferred Payment Agreement. At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing on a form provided by the clerk, and the Court may grant such modification based on a good faith showing of need.

Default on Payment Agreement. The Court shall consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent payment agreement. Any defendant who has defaulted on a payment agreement shall be required to pay a down payment prior to entering into a subsequent payment agreement. Pursuant to Code of Virginia § 19.2- 354.1, the required down payment may not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. A defendant may make a larger down payment. Any default on a second deferred payment or installment plan agreement shall allow the Department of Taxation to act in accordance with Virginia Code § 19.2-349 to collect all fines, cost, forfeitures, and penalties, including any court Ordered restitution of a sum certain.

Effective July 1, 2024, any case in which a defendant owes fines and costs and where such defendant's sole financial resource is a Social Security Benefit, such defendant shall be exempt from making payments until he has another source of income. Any restitution that is owed is not included in this exemption of payment and is due as the Court has ordered. The defendant must appear and request this exemption.

This Order shall remain in effect until modified or amended by the Court.

Enter:

Lynwood W. Lewis, Jr.

Date:

2/5/26