

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

IN RE: DEFERRED OR INSTALLMENT PAYMENT AGREEMENTS

ORDER

Pursuant to §§19.2-349, 19.2-354 and 19.2-354.1 of the *1950 Code of Virginia*, as amended, it is the responsibility of the Circuit Court to collect fines, costs, etc. due to the Commonwealth. The Court has assigned the Clerk with the duty of making arrangements with defendants to collect these fees.

Upon trial and sentencing, the Clerk will provide the defendant, either by mail or in person, with a notice of fines, costs and restitution owed, and any additional costs that may be added to the account such as court-appointed attorney fees.

If the defendant is unable to pay the costs in full within thirty (30) days, the following will occur:

- (a) 90 days after the due date, the account will be sent to collections and a 17% collection fee will be assessed against the account; and
- (b) 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.

However, the defendant may satisfy payment of costs by requesting one of the following:

- (a) Enter into a payment an installment payment plan by making payments either weekly or monthly at a set rate;
- (b) Enter into a deferred plan by paying costs in full on a future date; and
- (c) Pay the costs through the performance of community service at a rate of \$12.00 per hour. Community Service shall be monitored by the probation officers or the Sheriff's Department. *Community service cannot be applied to outstanding restitution, restitution interest and collection fees.*
- (d) Community service performed while a defendant is incarcerated must be verified by the Virginia Department of Corrections. The defendant shall receive credit for \$12.00 per hour, less any monetary compensation received from the Department of Corrections.

In the event the defendant does not comply with the terms of the payment agreement entered with this Court, the account will be in default and shall be subject to interest and collection fees as previously stated. The account will also be set to the Virginia Department of Taxation for collection purposes.

A defendant who has defaulted on their account may petition the Court for a new time to pay agreement. If the defendant enters into a subsequent payment agreement, the Court will require a down payment at the time of filing the request, as follows:

- (a) If the fines, costs and restitution owed are \$500.00 or less, the required payment shall not exceed 10% of the total owed;
- (b) If the fines, costs and restitution owed are more than \$500.00, the required down payment shall not exceed 5% of the total owed, or \$50.00, whichever is greater.

In any case in which a defendant owes fines and costs and where such defendant's sole financial resource is a Social Security benefit or Supplemental Security Income, then such defendant shall be exempt from making payments at least until such time that such defendant has a resource other than a Social Security benefit or Supplemental Security Income. If such defendant informs the court that his sole financial resource is a Social Security benefit or Supplemental Security Income, no payment toward fines and costs shall be taken from such exempt resource and the case shall not be referred to collections pursuant to § 19.2-349.

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:



Christopher B. Russell, Judge

Date: 11/14/24