

CIRCUIT COURT FOR THE CITY OF DANVILLE

Guidelines for the Collection of Court-Ordered Fines, Costs, and Restitution

- It is the goal of the Circuit Court for the City of Danville to see that fines, costs, and restitution are paid within a reasonable amount of time.
- Pursuant to Va. Code § 19.2-354, et seq., individuals convicted of a violation of law in this Court may pay off said fines, costs, or restitution according to a payment installment schedule approved by this Court.
- Any defendant who owes fines, costs, and restitution may petition the Court to reduce or eliminate any required payments due to financial circumstances the defendant may be experiencing.
- If a defendant owes fines and costs and has, as their sole financial resource Social Security or Supplemental Security Income, such defendant shall be exempt from making payments on fines and costs. See Va. Code § 19.2-354.1.
- Restitution may **NOT** be paid off by performing community service and may be paid through the Court-approved payment schedule.
- Pursuant to Va. Code § 53.1-129, fines and costs may be paid off by performing qualifying community service before, during, or after incarceration for: (i) the State, a county, a city, or a town; or (ii) a 501(c)(3) nonprofit organization.
- For the purposes of §§ 19.2-354(C) and 53.1-129, fines and costs may be paid off by performing qualifying community service during incarceration.
- Submissions for a request to discharge fines and costs through community service performed during incarceration must include: (i) an itemized statement reflecting the performed work and its pay rate, and (ii) a signed letter by the work supervisor, certifying the number of hours worked. Credit for paid work while incarcerated is only available for hours worked after July 1, 2020.
- Court-approved community service hours worked before May 1, 2021, will be counted against fines and costs in the amount of \$7.25 per hour, minus the amount actually paid. Court-approved community service hours worked on or after May 1, 2021, will be counted against fines and costs consistent with Virginia's minimum wage, minus the amount actually paid. See Va. Code § 40.1-28.10.

| Payment Schedule | |
|-----------------------|-------------------------|
| Amount Owed | Minimum Monthly Payment |
| \$1.00 - \$499.00 | \$25.00 |
| \$500.00-\$999.00 | \$50.00 |
| \$1000.00 - \$1999.00 | \$100.00 |
| \$2000.00 – and up | \$200.00 |

- **NOTE:** This monthly payment plan remains the same until balance is paid in full.
- Interest will not accrue on any fines or costs in a criminal case or a case involving a traffic infraction within 180 days from final judgment, while defendant is incarcerated, or within 180 days from release from confinement. *See Va. Code § 19.2-353.5.*
- 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 Executive Secretary of the Supreme Court, and the court may grant such modification based on a good faith showing of need. *See Va. Code § 19.2-354.1.*
- Civil Contempt: Individuals who do not follow the payment schedule may be subject to civil contempt. A show cause hearing will be held at which time they can explain to the court why they have not paid the amount due. At a show cause hearing, the Judge may amend the payment plan or find the individual in civil contempt. An individual found in civil contempt may be sentenced to serve time on the City Farm earning an amount equivalent to 8 hours of work at the current Virginia minimum wage per day against their amount owed, other than restitution. *See Va. Code § 40.1-28.10.* A purge amount may be set that will allow the individual to become current on payments and avoid jail time.