

AMENDED 3/28/2018

**ROANOKE CITY CIRCUIT COURT
REVISED DEFERRED OR INSTALLMENT PAYMENT POLICY**

Effective February 1, 2017

Pursuant to Virginia Code Sections 19.2-354(A) & (B), it is the responsibility of the Circuit Court to collect fines, costs, and restitution due the Commonwealth. The Court has assigned the Clerk of the Circuit Court the duty of making arrangements with defendants to collect these fees.

Payment plans and terms may be set by the Court or the Clerk. Upon the conclusion of your criminal case, you will be given notice of fines and costs owed and restitution (if ordered by the Court). Due dates are calculated based on the order of the Judge who heard your case. If your due date is near or has already passed, you may petition the Court for deferred or installment payments using the form **Petition for Deferred or Installment Payments**, unless you are on supervised probation. See below.*

Down Payment on Payment Plans: The required "minimum" down payment on a payment plan is \$50.00.

Monthly Payments: The required monthly payment amount for a payment plan is \$100.00. If you are unable to pay this amount, a written explanation is required on your Petition.

RE-ENTRY INTO A PAYMENT PLAN AFTER DEFAULT:

If a defendant defaults on a payment plan they will have the opportunity to request a new payment plan and the court should consider the defendant's change in circumstances in determining whether to approve such request. When a defendant enters into a subsequent payment plan, a down payment will be 15% of the amount owed of the total fines and costs up to \$150.00. Nothing in this Rule shall preclude a defendant from choosing to make a larger down payment.

Acceptable tender types are cash, money orders, and Cashier's checks from a bank. A credit card may be used to pay Court costs (must show proper identification); however, there is a 4% fee. Personal checks and credit cards require the approval of the Clerk's Office.

*If you are on supervised probation on the case for which you are requesting a payment plan, you will need to speak with your Probation Officer, and ask to be placed on the Court Reporting Docket. You will then appear in Court on the date given to you by your Probation Officer, and make your request to the Judge for a deferred or installment payment plan.

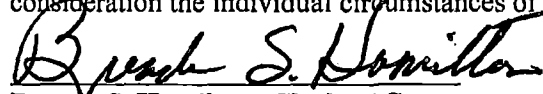
Performance of community service for payment of fines and costs has to be Ordered by a Judge, and it is only for those individuals who are on supervised probation. The Probation Officer sets up and monitors the community service. Upon proper documentation provided to the Court from the Probation Officer, the defendant will receive credit at the hourly rate of minimum wage toward payment of fines and costs. Community service cannot be done for payment of restitution. The Clerk's Office does not monitor community service.

Accounts that went past-due after July 1, 2013 are subject to a 17% Commonwealth collection fee calculated on the total amount owed. Interest will also accrue on the past-due amount, and is separate

from the collection fee. Additionally, past-due accounts will be sent to the Virginia Department of Taxation for possible interception of any tax refund to be applied to your account.

If a defendant serves an active sentence of jail or penitentiary time to the Commonwealth, pursuant to Virginia Code Section 19.2-353.5, interest on any outstanding fines and costs owed to this Court or any other Court, which may accrue during the period when the defendant is incarcerated, will be waived by the Court upon the defendant's request. The defendant should contact the Clerk's Office for the proper forms for waiver of interest.

This policy is specific to the Roanoke City Circuit Court. The terms are general guidelines, and may be amended at the discretion of the Clerk or the Court. Although this is the policy of the Roanoke City Circuit Court, the Clerk and the Judges of this Court reserve the right to use discretion, and to take into consideration the individual circumstances of each defendant.



Brenda S. Hamilton, Clerk of Court