

VIRGINIA:

CITY OF FALLS CHURCH GENERAL DISTRICT AND JUVENILE &
DOMESTIC RELATIONS DISTRICT COURT
SEVENTEETH JUDICIAL DISTRICT

Notice Regarding Costs and Fines pursuant to Virginia code sections:

19.2-353.5, 19.2-354, 19.2-354.1, 19.2-358

Payment of Court Costs and Fines

Any defendant convicted of a traffic infraction or a violation of any criminal law or found not innocent in deferred proceedings will have to pay assessed court costs and a fine, if imposed. If a defendant does not pay fines and/or costs within 90 days of sentencing or disposition or if a defendant does not enter into a deferred payment(s) or installment agreement within 90 days of sentencing or disposition, the case may be referred for collection enforcement action under 19.2-349 and the amount owed and collected will be increased to reflect the additional costs associated with the collection action.

No interest shall accrue on any fine or costs imposed in a criminal case or traffic infraction:

- (1) for a period of 180 days following the date of final judgment imposing such fine or costs;
- (2) during any period that the defendant is incarcerated;
- (3) for a period of 180 days following the date of the defendant's release from incarceration if the sentence includes an active term of incarceration; or
- (4) during the period of time in which fines and/or costs are being paid in deferred or installment payments as set forth below.

Deferred Payment and Installment Agreements for Court Costs, Fines, and Restitution

- Any defendant convicted of a traffic infraction or a violation of any criminal law or found not innocent in deferred proceedings may pay any fine imposed and court costs assessed in deferred payment(s) or installments ("Payment Agreement"). A defendant is not required to make a down payment upon entering an initial Payment Agreement.
- All fines and costs that a defendant owes for all cases in the City of Falls Church General District Court and Juvenile Domestic Relations District Court may be incorporated into one Payment Agreement.
- A request for a Payment Agreement may be made at the Court proceeding when the costs and fines are assessed. Alternatively, a defendant may petition for a Payment

Agreement in the Clerk's Office. The Clerks of the City of Falls Church District Courts are authorized to establish and approve individual Payment Agreements up to 1 calendar year.

- A request for a Payment Agreement should be made within 90 days of disposition or the matter may be referred for collection enforcement action under 19.2-349.
- The defendant may be required to submit a form developed by the Executive Secretary of the Supreme Court setting forth the financial condition of the defendant or, if the request is made in Court, the Court may conduct an oral examination of the defendant to determine the defendant's financial resources and obligations.
- Upon entering into a Payment Agreement, a defendant may be assessed an additional, one-time fee of \$10 if the fines and/or costs will not be paid in-full within 90 days.
- Any defendant who enters into a Payment Agreement shall promptly inform the court of any change of mailing address during the term of the agreement. At any time during the duration of the Payment Agreement, a defendant may request a modification of the Payment Agreement and the Court may grant such modification based on a good faith showing of need.
- A defendant who has defaulted on a Payment Agreement may petition the Court for a subsequent Payment Agreement. In determining whether to approve a subsequent Payment Agreement after default, the Court will consider any change in the defendant's circumstances. Upon approving a subsequent Payment Agreement after default, the Court may require a down payment which will not exceed:
 - (1) if the fines and costs owed are \$500 or less, 10 percent of such amount.
 - (2) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater.

PENALTIES FOR FAILURE To PAY ON DEFERRED PAYMENT OR INSTALMENT PLAN

PURSUANT TO VIRGINIA CODE 19.2-358 AN INDIVIDUAL, OBLIGATED TO PAY ACCORDING TO A PAYMENT PLAN, MAY BE FINED UP TO FIVE HUNDRED DOLLARS (\$500), IMPRISONED NOT MORE THAN SIXTY (60) DAYS OR BOTH FOR FAILURE TO MAKE DEFERRED OR INSTALLMENT PAYMENTS AS ORDERED BY THE COURT. THE COURT MAY SCHEDULE A NONPAYMENT HEARING BY ISSUING A RULE TO SHOW CAUSE. IN THE EVENT THAT THE DEFENDANT FAILS TO APPEAR AT THE SHOW CAUSE HEARING THE COURT MAY THEN ISSUE AN ARREST WARRANT FOR THE DEFENDANT.

Payment Exemption

- If a defendant's sole financial resource is a Social Security Benefit or Supplemental Security Income, the defendant is exempt from making any payments towards fines and costs until another resource or income is available.
- Any fines and costs assessed while defendant's income status is solely Social Security Benefit or Supplemental Security Income, will not go to collections.
- **Note: Any restitution that may be ordered is NOT included in the exemption and payment is required upon court ordered due date.**

Community Service in Lieu of Payment of Fines and Costs

- The City of Falls Church District Courts has established a program for defendants to discharge all or part of the fines and court costs imposed by earning credits for the performance of community service.
- A request to complete community service in lieu of paying court costs and/or a fine may be made at the Court proceeding when the court costs and fines are assessed.
- Alternatively, a defendant may petition the Court to perform community service in lieu of the payment of court costs and fines by filing a motion in the Clerk's Office.
- If approved by the Court, court costs and fines will be converted to community service at the rate of **\$15** per hour.
- The performance of the community service will be supervised by either the Offender Aid and Restoration Program (OAR) or the City of Falls Church Sheriff's Work Force and Community Service Program.