

APPENDIX B - CRIMINAL FEES AND COSTS SCHEDULE

I. FEES AND COSTS (A-C)

A. Abandoned Vehicle Costs

Costs assessed for recovering expenses to remove or store an abandoned vehicle.

| Revenue Code | Amount Assessed | Reference(s) |
|--|------------------------|--|
| 113 202* | Actual expenses | § 46.2-1209 Chart of Allowances |
| *Use only if locality paid for services and locality is to be reimbursed by the Commonwealth | | |

When/How Collected:

Where it is shown that the vehicle was abandoned by the owner or is stolen or illegally used by a person other than the owner, the costs for removal/storage is taxed against the convicted defendant/owner. In this instance, the Commonwealth is not responsible for the cost of towing/storage.

If the identity of the owner cannot be determined or the owner was not the violator or if the owner/defendant is found not guilty, the cost for removal/storage is paid by the Commonwealth. In this instance, the Commonwealth's attorney presents the clerk with a bill from the vendor (towing company). The clerk then prepares and submits a DC-40, List of Allowances along with the original bill, to the Office of the Executive Secretary for further processing. The vendor is subsequently reimbursed by the Commonwealth (State Treasurer)

B. Add-On Fees/Costs

Fees/Costs authorized to be added to amounts assessed for Fixed Felony or Misdemeanor Fees, pursuant to [Va Code § 17.1-275.5](#).

| Type | Revenue Code | Amount Assessed | Reference(s) |
|------------------------------|------------------------|---|---------------------------------|
| Court Appointed Counsel | 120 state 217 local | As authorized by DC-40; waiver amount not assessed | 19.2-163 |
| Transcripts | 113 | | |
| Extradition | 113 | | |
| Psychiatric Evaluation Costs | 113 | | |
| Appellant Costs | 120 & 113 | | Rule 5A:30 |
| Bad Check/ Credit Card Fee | 135 | A fee of \$50 or 10% of the amount to be paid, whichever is greater | § 17.1-275(A)28 |

| Type | Revenue Code | Amount Assessed | Reference(s) |
|--|--------------|---|--|
| Jury Costs | 181 210 | \$30.00/day/juror Commonwealth pays felonies & all misdemeanors unless local warrant or summons. Grand jurors paid by locality. Multi-jurisdictional paid by Commonwealth | §17.1-618 §17.1-619 §19.2-205 §19.2-215.4 |
| Drug Offender Fee | 107 | \$150 for each felony conviction/disposition | § 17.1-275 (A) 10 |
| Blood Withdrawal Fee-DUI | 133 | Not to exceed \$25 | § 18.2-268.8; § 46.2-341.26:8 |
| Ignition Interlock Device Costs | 113 | \$20 | § 18.2-270.1 |
| HIV Blood Test | 133 | Analysis by Consolidated Labs- amount for testing conducted varies. Amount varies for blood withdrawal | § 18.2-62, § 18.2-346.1 |
| Jail Admission Fee | 234 | Not to exceed \$25 | § 15.2-1613.1 |
| Courthouse Security Fee | 244 | Not to exceed \$10 | § 53.1-120 |
| DNA Sample Fee | 113 233 | \$53 Fee is split between state and locality | §19.2-310.2 |
| Reimbursement of Medical Fees | 113 | Varies | § 19.2-165.1 |
| Local Criminal Justice Training Academy Fee | 243 | Amount Set by Local Ordinance | § 9.1-106 |
| Driving Under the Influence Fee | 113 | \$100 | § 16.1-69.48:1.01 § 17.1-275.11 |
| Certificate of Analysis Fee | 113 | \$50 for appearance of analyst at trial or hearing, if demanded by defendant | § 19.2-187.1 |
| Electronic Summons Fee | 241 | Not to Exceed \$5.00 set by local ordinance | § 17.1-279.1 |

When/How Collected:

Assessed in addition to the fixed fees provided for by [§§ 17.1-275.1 through 17.1-275.4](#), [17.1-275.7](#), through [17.1-275.11](#), [17.1-275.11:1](#) or [17.1-275.12](#).

C. Appellant Costs

Except as otherwise provided by law, if an appeal is dismissed, costs shall be taxed against the appellant, if a judgment is affirmed, costs shall be taxed against the appellant; if a judgment is reversed, costs shall be taxed against the appellee; if a judgment is affirmed in part or reversed in part, or is vacated, costs shall be allowed as ordered by the Court of Appeals.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------------------|----------------------------|
| 120 & 113 | Varies, as mandated by court order | Rule 5A:30 |

When/How Collected

Assessed as directed by mandated by court order from the Court of Appeals.

D. ASAP - Alcohol Safety Action Program Fee

Fee for entrance into a driver alcohol rehabilitation program as ordered by the court for violation of [Va. Code §§ 29.1-738, 18.2-266, 29.1-738.5, 46.2-341.24](#) and [46.2-341.4](#) or any local ordinance similar thereto.

No less than \$250 but no more than \$300. Upon a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention under any such program may be charged. [§ 18.2-271.1 \(B\)](#), [§ 29.1-738.5 \(B\)](#).

When/How Collected

ASAP fees are assessed but not collected by the court and are not added to the defendant's costs. The defendant remits payment directly to the local program.

E. Bad Check/Credit Card Fee

Fee charged when a defendant tenders a check for payment of fines and/or costs and the check is returned unpaid by the banking institution upon which it is drawn or pays with a credit card which is disallowed.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|---|--|
| 135 | \$50 or 10% of the value of the payment, whichever is greater | §§17.1-275(A)28, 17.1-275.5(6); 19.2-353.3 |

When/How Collected

Taxed against the defendant as additional costs.

F. Blood Test Fee

1. Alcohol and Drugs (DUI Cases)

Fees associated with chemical test(s) to determine the alcohol and/or drug content of blood when a defendant is charged with a violation of [Va. Code § 18.2-266](#) (Driving under the Influence) or of a similar ordinance of any city, county or

town. These fees are generally assessed as costs in the district court. Analysis of the blood sample is conducted by the Virginia Division of Consolidated Laboratories. A second blood sample analysis may be conducted by an independent (private) laboratory upon request of the defendant. (Any costs associated with this private laboratory testing should be billed to the defendant or the defendant's counsel.)

NOTE: The number of drugs tested cannot exceed the number authorized by the Division of Consolidated Laboratories as a result of their analysis of the first sample (vial).

| Revenue Code | Amount Assessed | Reference(s) |
|---|--|---|
| 133 233* | <p>Alcohol Only: Not to exceed \$25 Consolidated Lab analysis (1st vial) - \$25 Private lab analysis (2nd vial) requested by defendant-Not to exceed \$50</p> <p>Drug or Drug & Alcohol: Not to exceed \$25 State Lab Analysis (1st vial) - \$25 Private lab analysis (2nd vial) requested by defendant-Not to exceed \$50</p> | <p>§ 17.1-275.5(9); 18.2-268.8; 46.2-341.26:8; Chart of Allowances</p> |
| <p>*Use this code only if the locality pays for blood withdrawal and the court reimburses the locality.</p> | | |

When/How Collected

Assessed against defendant upon conviction.

When analysis is conducted by a private lab (2nd vial), the bill is to be paid by the defendant or the defendant's attorney. Documentation for testing fee amounts and receipt for payment is required to be attached to the DC-40, List of Allowances submitted by the attorney when claiming expenses for these testing fees. The clerk's office should not receive an invoice directly from the laboratories for payment of analysis for a 2nd vial of blood.

2. DNA Analysis

Fee associated with DNA (deoxyribonucleic acid) analysis and blood typing, Every person convicted of a felony on or after July 1, 1990, every person convicted of a felony offense under Article 7 (§ [18.2-61](#) et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, and every person convicted of a violation of (i) § [18.2-67.4](#), (ii) § [18.2-67.4:2](#), (iii) subsection C of § [18.2-67.5](#), (iv) § [18.2-130](#) or (v) § [18.2-370.6](#) shall have a sample of his blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. The identification characteristics resulting

from the analysis are maintained in a DNA data bank. The DNA analysis and blood typing must be performed by the Virginia Division of Forensic Science.

Blood samples from persons sentenced to incarceration shall be withdrawn by the receiving unit or such other place as designated by the Department of Corrections. The required sample from persons who are not sentenced to incarceration shall be withdrawn at a time and place specified by the sentencing court.*

| Revenue Code | Amount Assessed | Reference(s) |
|--|---|--|
| 113 (Commonwealth) 233 (Locality) | <ul style="list-style-type: none"> ▪ The fee is \$53 with \$38 going to the Commonwealth and the remaining \$15 to the locality. ▪ The fee applies only to felonies and certain misdemeanors as defined above. It is not contained within the fixed fees so it must be added on ONE time per sentencing event rather than on each case or count tried on a particular day. ▪ If a sample has been previously taken from the person as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken. | §§ 17.1-275.5(14); 19.2-310.2, 19.2-310.2:1, 19.2-310.3, 19.2-332 |
| <p>Suggestion: DO NOT charge the fee if it is determined that a DNA sample has been previously taken, another sample is not required.</p> | | |

When/How Collected

Taxed against and collected from defendant upon conviction.

When the court is authorized to designate the agency/facility to perform the blood withdrawal, a governmental facility such as a local jail, local Department of Corrections facility, or local health department should be used whenever feasible. If such resources are not available, blood withdrawal may be performed by a private medical professional authorized to withdraw blood pursuant to [§ 19.2-310.3](#). To receive reimbursement for blood withdrawal services performed by a private medical provider (e.g. local health dept.), the service provider must submit a bill or statement of expenses to the court. The clerk then forwards to the Office of the Executive Secretary the original bill, a completed DC-40, List of Allowances, and a copy of the CC-1390, Order for Withdrawal of Blood Samples.

NOTE: In those cases where a felon is placed in the custody of the sheriff to serve a term of imprisonment, the costs associated with blood withdrawal for DNA analysis are absorbed by the sheriff. The Office of the Executive Secretary will provide reimbursement for blood withdrawal services only in the following circumstances:

- When a convicted felon is not sentenced to a period of confinement (i.e., the felon received a suspended sentence or was placed on probation with no time to serve); or
- When a convicted felon receives a suspended sentence as noted in #1 but is remanded to the custody of the sheriff solely for the purpose of blood withdrawal; and
- When blood withdrawal services are performed by a private physician, nurse or non-state-funded entity (e.g., by one other than personnel salaried by the sheriff or the Department of Corrections).

3. HIV & Hepatitis B or C Testing

Fee associated with chemical testing of blood to determine if a defendant is infected with HIV (human immunodeficiency virus) or Hepatitis B or C. Such testing, which is conducted by the [Virginia Division of Consolidated Laboratories](#), may occur in the following situations:

- a. When, following arrest, and upon request of the Commonwealth’s attorney, the defendant is charged with sexual assault in violation of Article 7 of Chapter 4 of Title 18.2, or any offense against children prohibited by [Va. Code §§ 18.2-361, 18.2-366, 18.2-370 and 18.2-370.1](#). The defendant may object to such testing in which event the circuit court will conduct a probable cause hearing to determine if the defendant has committed the crime for which he is charged. If probable cause is found, the court shall order the test pursuant to [Va. Code § 18.2-62 \(A\)](#).
- b. When the defendant is convicted of any offense listed above and upon request of the Commonwealth’s attorney, the court shall order the test pursuant to [Va. Code § 18.2-62 \(B\)](#).
- c. When the defendant is convicted of prostitution as prohibited by [Va. Code § 18.2-346](#) or any crime against nature as prohibited by [Va. Code § 18.2-361](#). Upon conviction, the court shall order the test pursuant to [Va. Code § 18.2-346.1](#).

| Revenue Code | Amount Assessed | Reference(s) |
|---|------------------------|--|
| 133 | Amount varies | §§ 17.1-275.5 (11); 18.2-62, 18.2-346.1; Chart of Allowances |
| <p>* While there are no restrictions under §§ 18.2-62 and 18.2-346.1 on who may withdraw blood for HIV testing, blood withdrawal should be conducted by public health or local sheriff’s department personnel who are familiar with HIV confidentiality and reporting provisions. Expense claims received from the local health department for reimbursement should be submitted to the Office of the Executive Secretary, along with a DC-40, List of Allowances and a copy of the CC-1390, Order for Withdrawal of Blood Samples. In cases where sheriff’s department personnel perform blood withdrawal services, the sheriff’s department absorbs such costs.</p> | | |

When/How Collected

Taxed against and collected from defendant upon conviction.

4. HLA (Paternity Cases)

Fees associated with chemical test(s) to determine paternity. The court before whom the trial of any matter in which the question of paternity arises may direct and order the alleged father, the mother and child to submit to such blood grouping test. These costs would be assessed in a circuit court criminal case primarily when a criminal non-support case is appealed from the Juvenile and Domestic Relations District (J&DR) Court or in a rape case. Any duly qualified lab or expert, either within or outside the Commonwealth, may conduct blood testing for paternity.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|---|
| 133 | Varies | § 20-49.3 ; Chart of Allowances |

When/How Collected

Generally, such costs will be assessed in the J&DR court's order and collected from the defendant upon conviction for criminal non-support in circuit court. Added to defendant costs only if assessed in the District Court.

The court shall require the party requesting such test to pay the costs. However, if such person is indigent, the Commonwealth shall pay for the test. In order for the expert to be paid for the costs of the test when the requesting party is indigent, the expert must submit a bill to the clerk. The clerk then submits the bill with a DC-40, List of Allowances to the Office of the Executive Secretary for further processing. The expert is subsequently reimbursed by the Commonwealth (State Treasurer).

G. Boating Education Civil Penalty

Civil penalty assessed on anyone who operates a motorboat with a motor of 10 horsepower or greater without having successfully completed an approved boating safety education course.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|---------------------------------|
| 030 | \$100 | § 29.1-735.2(H) |

When/How Collected

District court assesses this penalty as costs on the summons. If the case is appealed and the defendant is convicted in circuit court, the circuit court taxes and collects the penalty from the defendant, along with other applicable costs and fees as a result of the appeal.

H. Bond Forfeiture

Money/property that was previously posted as security for a bail bond and later forfeited as a result of the defendant's failure to meet the terms and conditions of his bail and recognizance.

Revenue Codes 110 (Commonwealth) and 201 (Local) are not applicable. [§ 19.2-143](#) et seq.

When/How Collected

A rule to show cause is issued to the defendant, the surety (if any) and the trustee and owner of property (if a deed of trust has been recorded to secure the bond), giving notice of the impending forfeiture action and allowing such parties to show cause why the bond should not be forfeited.

If the court thereafter makes a finding of default, on bonds posted prior to July 1, 2011, the clerk remits the bond monies or proceeds from the sale of property, whichever applies, to the locality if local offense or to the State Treasurer. The clerk will make a journal voucher to transfer the amount from revenue code 502 to 110 or 201. If the bond was posted between July 1, 2011, and June 30, 2012, the bond monies are remitted to the Treasurer or Finance Director of the locality where the bond was written. If the bond was posted on July 1, 2012 or later, the bond monies are remitted to the Treasurer or Finance Director of the locality where the case was prosecuted.

I. Certificate of Analysis Fee

A defendant may demand the testimony of an analyst who prepared lab reports in court. If convicted the defendant must pay \$50 court costs for expenses related to that appearance.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|-----------------------------|
| 113 | \$50 | §19.2-187.1 |

When/How Collected

Fee assessed upon conviction, in addition to fixed fees. If the defendant demands the appearance of the analyst multiple times during the course of the trial, the fee would be assessed for each appearance.

J. Child Safety Restraint Device Penalty

Penalty assessed upon conviction for failure to properly restrain a child in a safety device while operating a motor vehicle.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|---|---|
| 114 | \$50 for violation of Va. Code § 46.2-1095 or \$20 penalty for failure to carry a statement of exemption in violation of Va. Code § 46.2-1096 . For a 2 nd or subsequent violation a penalty of up to \$500. | §§ 46.2-1095, 46.2-1096, 46.2-1097, 46.2-1098 |

When/How Collected

District court assesses this penalty as costs on the summons. If the case is appealed and the defendant is convicted in circuit court, the circuit court taxes and collects the penalty from the defendant, along with other applicable costs and fees as a result of the appeal,

K. Clerk’s Processing Fee (District Court Clerk)

Processing fee assessed in misdemeanor and traffic violation cases heard in district court.

| Revenue Code | Amount Assessed | Reference(s) |
|---|------------------------|--|
| 460 (Traffic Infraction) | \$51 per charge | § 16.1-69.48:1 § 19.2-335 Attorney General Opinion to Foreman dated 8/30/90 (1990) |
| 461 (Misdemeanor – Criminal & Traffic Misdemeanor) | \$61 per charge | |
| 462 (Misdemeanor Drug) | \$136 per charge | |

When/How Collected

The district court clerk assesses these fees on the summons or misdemeanor warrant in addition to any other costs specifically provided by statute. [Va. Code § 16.1-69.48:1 \(A\)](#). If a case is appealed, the circuit court clerk collects these costs (in addition to circuit clerk’s fees) from the defendant upon conviction in circuit court.

NOTES:

- District court will combine these costs for multiple charges arising from the same incident.
- District assessment on appealed cases may show difference between fixed fee amount on multiple charges arising from the same incident if one is prepaid and

then there is a conviction on other case where higher fixed fee should have been assessed.

- Infraction and Misdemeanor: 132 set at \$6; 113 set at \$4
- Infraction and Drug case: 107 set at \$75; 132 set at \$6; 113 set at \$4
- Misdemeanor and Drug case: 107 set at \$75

L. Computer Analysis Fee

Upon a finding of guilty of any charge or charges in which any computer forensic analysis revealed evidence used at trial of a defendant, the defendant may be assessed costs for each computer analyzed by any state or local law-enforcement agency.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|---|--------------------------------|
| 520 | Not to exceed \$100 for each computer analyzed. | §17.1-275.11:1 |

When/How Collected

Assessed upon a finding of guilty. Upon motion to the court of an affidavit by the law-enforcement agency, the Court will determine the amount to be assessed, and may order such amount paid to the law-enforcement agency.

M. Concealed Handgun Permit

Civil Penalty for not carrying a government issued photo identification with concealed handgun permit.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|------------------------------|
| 110 | \$25 | §18.2-308.01 |

When/How Collected

Taxed against the defendant upon conviction.

N. Confiscated Monies/Property

Money/property confiscated at arrest and, upon conviction of the defendant, ordered to be forfeited to the Commonwealth or other agency.

| Revenue Code | Amount Assessed | Reference(s) |
|--|------------------------|--|
| 111 (Non-drug related forfeiture of money) 509* | N/A | §§ 4.1-336, 4.1-338 illegal alcohol § 4.1-339 contraband § 19.2-386.2 enforcement by information §§ 19.2-386.1 through 19.2-386.31 drugs § 19.2-386.16 automobiles § 19.2-386.22 property used in connection with drug offenses §§ 19.2-386.23, 19.2-386.24, 19.2-386.25 substances § 19.2-386.29 weapons § 19.2-386.30 gambling Chapter 22.1, Title 19 forfeitures in drug cases Chapter 22.2, Title 19 miscellaneous forfeiture provisions |
| *Use only if court directs that the proceeds of seized property be remitted to another agency, e.g. local law enforcement. | | |

When/How Collected

Costs of sale of seized property are collected directly by the sheriff or law enforcement agency. Any remaining money is forwarded to the clerk who remits it to the Commonwealth.

O. Court Appointed Attorney Costs

Costs of attorney appointed by the court to represent an indigent defendant. These costs cover the attorney's time and allowable expenses and materials.

| Revenue Code | Amount Assessed | Reference(s) |
|---|---|---|
| 120 (State Charges) 217 (Local Charges) 261, 266, 271, 276, 281, 286, 291 (Town Charges) | See Chart of Allowances and Court Appointed Counsel Guidelines & Procedures Manual. | §§16.1-267; 17.1-275.5(1); 19.2-163, 19.2-182(A), 19.2-326; Chart of Allowances; Court Appointed Counsel Guidelines & Procedures Manual |

NOTE: When Court Appointed Counsel represents an indigent charged with repeated violations of the same section of the Code of Virginia, with each violation arising out of the same incident, occurrence, or transaction, counsel shall be compensated in an amount not to exceed the fee prescribed for the defense of a single charge, if such offenses are tried as part of the same judicial proceeding.

When/How Collected

Taxed against the defendant upon conviction. The court appointed attorney, to receive reimbursement, must submit a DC-40, List of Allowance and, if seeking a waiver to the statutory caps, a DC-40(a) to the court for State charges and local form for local charges, preferably at the time of sentencing. Pursuant to [Va. Code § 19.2-163](#), the court-appointed attorney must make a written request for payment of fees within 30 days of trial.

NOTE: The circuit or district court shall direct that the foregoing payments shall be paid out by the Commonwealth, if the defendant is charged with a violation of a statute, or by the county, city or town, if the defendant is charged with a violation of a county, city or town ordinance, to the attorney so appointed to defend such person as compensation for such defense. [Va. Code § 19.2-163](#).

The procedures listed below would then be followed. Any statement submitted by an attorney for payment due him for indigent representation or representation of a child pursuant to [Va. Code § 16.1-266](#) shall, after submission of the statement, be forwarded forthwith by the clerk to the Commonwealth, county, city or town, as the case may be, responsible for payment. [Va. Code § 19.2-163](#).

1. If the defendant had three (3) charges against him and was convicted on only two (2), and if the attorney is allowed compensation by the Court for all three cases, the amount allowed by the Court would be apportioned between/among cases of conviction up to maximum amount allowed per case.

NOTE: the defendant would only be responsible for reimbursing/paying the fee assessed on the two cases for which he was convicted.

EXAMPLE: Defendant convicted of two class 4 felonies and one charge was nolle prosequi. Attorney requests \$925 for all three cases and is approved by the judge. Allocate as follows:

- Convicted Felony Charge 1 - \$445 (statutory maximum)
- Convicted Felony Charge 2 - \$445 (statutory maximum)
- The remaining amount for the Nolle Prosequi Charge is uncollectible because of allowed fee.

SUGGESTION: Attempt to recapture as much of the court-appointed attorney fee as possible within the maximum allowances allowed each case by [Va. Code § 19.2-163](#).

NOTE: Only the amount allowed per statute, plus reasonable expenses, should be applied per case: If attorney is granted a waiver for the fee caps, only the pre-waiver amount is allowed to be charged as costs to the defendant.

- the statutory maximum for defending any jailable misdemeanor is \$158;

- the statutory limit for defending a felony punishable by confinement in the state correctional facility for a period of more than 20 years is a sum not to exceed \$1,235
- the statutory limit to defend any other felony, a sum not to exceed \$445. [Va. Code § 19.2-163](#); and
- there is no statutory limit for defending a felony charge that may be punishable by death.

2. Probation Revocations

EXAMPLE: Defendant had five (5) original charges and convicted on three (3).

The attorney would be allowed payment for the maximum amount assessed on ONE (1) of the original charges. The DC-40 should contain only one case number indicating that it was a probation violation under [Va. Code § 19.2-306](#) and should state the original Code section charged that he/she is claiming payment.

3. If the offense is a local violation and the defendant pays the costs at sentencing, the clerk receipts the defendant's payment under revenue code 217. The clerk may then write a check payable to the attorney, drawing from revenue code 217 or follow the procedures in #4.
4. If the offense is a local violation and the defendant does not pay costs at the time of sentencing, the clerk bills the locality for the cost of the court appointed attorney. The locality then pays the attorney directly. When the defendant subsequently remits payment(s) for attorney costs to the court, the clerk receipts payment(s) under revenue code 217 and transmits such payments to the locality at month's end.
5. If the offense was a state violation and the defendant pays the costs at sentencing, the clerk receipts the defendant's payment under revenue code 120. The clerk may then write a check payable to the attorney, drawing from revenue code 120 or follow the procedures in #6.
6. If the offense is a state violation and the defendant does not pay the attorney costs at sentencing, the clerk submits a List of Allowances (Form DC-40) to the Office of the Executive Secretary for further processing. The attorney is later reimbursed by the Commonwealth (State Treasurer). When the defendant subsequently remits his costs to the court, the clerk receipts the payment(s) under revenue code 120 and transmits the money to the State Treasurer.

P. Courthouse Construction Fee (CHCF)

Fee assessed in criminal and traffic cases and used by the local governing body solely for the construction, reconstruction, renovation of, or adaptive use of a structure for a

courthouse. The assessment of this fee requires letter of non-compliance from DGS. The assessment provided for herein shall be in addition to any other fees prescribed by law. The assessment shall be required in each felony, misdemeanor, or traffic infraction case, regardless of the existence of a local ordinance requiring its payment. (This fee is also assessed in certain civil cases, as well.)

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|----------------------------|
| 228 (Local) | Not to exceed \$3 | § 17.1-281 |

When/How Collected

Taxed against and collected from defendant upon conviction.

Q. Courthouse Maintenance Fund Fee (CHMF)

Fee assessed as part of fixed fees/costs in misdemeanor and traffic cases and used by the local governing body for the construction, renovation or maintenance of the courthouse, jail and/or other court-related facility and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance. The assessment provided for herein shall be in addition to any other fees prescribed by law. The assessment shall be required in each felony, misdemeanor, or traffic infraction case, regardless of the existence of a local ordinance requiring its payment.

| Revenue Code | Amount Assessed | Reference(s) |
|---|---|---|
| 229 (Local) 263, 268, 273, 278, 283, 288, 293 (Cities) | Included in the Circuit Court fixed fees and in District court fixed fees. Fee would therefore be collected in both courts as part of their fixed fees. | §§ 16.1-69.48:1 ; 17.1-275.1 , 17.1-275.2 , 17.1-275.3 , 17.1-275.7 , 17.1-275.8 , 17.1-275.9 ; 17.1-281 |

When/How Collected

Taxed against and collected from defendant upon conviction.

R. Courthouse Security Fund (CHSF)

Fee assessed as part of costs in felony, misdemeanor, and traffic cases and used by the local governing body subject to appropriation by the governing body to the sheriff's office solely for the funding of courthouse security personnel and equipment used in connection with courthouse security. If a town provides court facilities for a county, the governing body of the county (not the clerk's office) shall return to the town a portion of the assessments collected based on the number of criminal and traffic cases originating and heard in the town. The imposition of such assessment must be by ordinance of the local governing body.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|---|--|
| 244 | An amount as determined by each local governing body but not in excess of \$10 per case shall be added on in addition to any fixed fee. | § 17.1-275.5 (13) ; 53.1-120 (D) Local Ordinance |

When/How Collected

- Taxed against and collected from the defendant upon conviction.
- Assessed on each case where the court enters a conviction.
- Assessed only one time per case. When this fee has been charged by a District Court and the case is appealed, it may not be charged again by the Circuit Court.

SPECIAL NOTE: For localities that adopt this fee, it is not included in any fixed fee and must be added on.

S. Court Reporter Costs

Costs of privately retained reporter or court employee responsible for recording proceedings and, if necessary, preparing transcript(s).

| Revenue Code | Amount Assessed | Reference(s) |
|---|---|--|
| 113 Transcripts Only | Amount having been established through a schedule of fees approved by the judge for preparation of transcripts. | §§ 19.2-165, 19.2-166 ; Chart of Allowances |
| NOTE: The per diem costs charged by the court reporter are not taxed and assessed against the defendant. Fees are distributed to the court reporter fund as set forth in Va. Code §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, and 17.1-275.8. | | |

When/How Collected

The costs of the transcripts from the court reporter are taxed against the defendant. The court reporter, to receive reimbursement for recording and preparing the transcripts, provides the clerk or a LIST OF ALLOWANCES (Form DC-40). The clerk then submits the DC-40, List of Allowances to the Office of the Executive Secretary for further processing. The reporter is subsequently reimbursed by the Commonwealth (State Treasurer).

NOTES:

- The Commonwealth will not reimburse court reporting costs in misdemeanor cases. Such costs are the responsibility of the defendant requesting the reporter.
- See also Recording Equipment Costs, this section of this manual, for allocation from the fixed fees to Account Code 410.

T. Criminal Injury Compensation Fund Fee (CICF)

Fee assessed as part of fixed costs upon conviction of a felony or misdemeanor and collected for deposit in CICF. Such monies are available to victims of certain crimes to cover their losses.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|---|---|
| 132 | Included in the Circuit court fixed fees as provided in Va. Code §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9 . Also included in District court fixed fees. Fee would therefore be collected in both courts as part of their fixed fees. | §§ 16.1-69.48:1; 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9 ; § 17.1-281; 19.2-368.18 (B) Attorney General Opinion to Barry, dated 1/23/85 (1984-85, pg. 85) Attorney General Opinion to Sandie, dated 8/10/76 (1976-77, pg. 61) Attorney General Opinion to Foreman dated 8/3/90 (1990, pg. 68) |

When/How Collected

Taxed against and collected from defendant upon conviction.

U. Criminal Justice Training Academy Fund

1. Local

A locality who does not participate in a regional criminal justice training academy and if the locality was operating a certified independent criminal justice academy as of July 1, 2012, may charge a fee similar to the Regional Training Justice Academy fee. Any and all funds from such local fee shall support the local academy. The court should have a copy of the local ordinance on file.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|----------------------------|---------------------------|
| 243 | Varies per Local Ordinance | § 9.1-106 |

When/How Collected

Taxed against and collected from defendant upon conviction. It is charged in addition to the appropriate fixed fees. Fee would be collected from both courts.

2. Regional

Fee assessed upon conviction for felony and misdemeanor cases in the circuit court and misdemeanor and traffic cases in the district court.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|--|--|
| 143 | Included in the Circuit court fixed fees. Also included in District court fixed fees. Fee would therefore be collected in both courts as part of their fixed fees. | §§ 9.1-106 ; 16.1-69.48:1 ; 17.1-275.1 , 17.1-275.2 , 17.1-275.3 , 17.1-275.4 , 17.1-275.7 , 17.1-275.8 , 17.1-275.9 |

When/How Collected

Taxed against and collected from defendant upon conviction.

II. FEES AND COSTS (D-J)

A. DNA Analysis Fee

Defendants convicted of certain violations are required to have DNA samples taken by local law enforcement and then tested, stored and maintained by the Department of Forensic Science.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|--|------------------------------|
| 113 233 | \$53 Fee is split between Commonwealth & Locality | § 19.2-310.2 |

When/How Collected

The fee is assessed upon conviction.

NOTE: The fee is assessed one time per defendant, rather than on each case tried. If a sample has been previously taken from the person as indicated by the Local Inmate Date System (LIDS), no additional sample should be taken.

B. Driver Improvement Clinic Fee

Fee for entrance into a driver improvement education and training program designed to assist problem drivers.

Fee varies depending on program. [§§ 46.2-502](#), [46.2-505](#); [17.1-275\(A\)\(12\)](#)

When/How Collected

These fees should not be collected by the court but rather paid directly by the defendant to the local driver improvement clinic/traffic school. **NOTE:** The

court may require a defendant to successfully complete a driver improvement clinic or traffic school in lieu of a finding of guilty. Should this be the case, the defendant would still be taxed all other fees and costs as if he were convicted.

C. Drug Analysis (Forensic Lab) Costs

Costs of forensic analysis of drugs seized as evidence in a case.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|---|--|
| 113 | Included in the Circuit court fixed drug misdemeanor fee. | § 17.1-275.8 Attorney General Opinion to Davila, dated 11/23/77 (1977-78, pg. 95) |

When/How Collected

Taxed against and collected from defendant upon conviction of each and any misdemeanor charge, whether or not originally charged as a felony, for a violation of any provision of Article 1 ([§ 18.2-247](#) et seq.) of Chapter 7 of Title 18.2, or upon a deferred disposition of proceedings in the case of any and each misdemeanor charge, whether or not originally charged as a felony, deferred pursuant to the terms and conditions of [Va. Code § 18.2-251](#).

A certificate of analysis must be filed in order to collect these costs from the defendant.

NOTE: The costs for forensic laboratory analyses are neither billed to the circuit court nor processed for reimbursement by the Office of the Executive Secretary. Instead, such costs, when recovered from the defendant, are paid into the state's general fund via receipting the payment under revenue code 113.

D. Drug Enforcement Jurisdiction Fund (DEJF) Fee

Fee assessed upon conviction of a misdemeanor or traffic infraction case. Such monies are subsequently deposited in a special non-reverting fund administered by the [Department of Criminal Justice Services](#). The fund is intended to provide additional resources to supplement the efforts of local officials in the apprehension and prosecution of persons engaged in drug-trafficking activities.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|--|---|
| 140 | Included in the Circuit court fixed fees. Also included in District court fixed fees. Fee would therefore be collected in both courts as part of their fixed fees. | §§ 9.1-105 ; 16.1-69.48:1 ; 17.1-275 (D) ; 17.1-275.1 , 17.1-275.2 , 17.1-275.3 , 17.1-275.4 , 17.1-275.7 , 17.1-275.8 , 17.1-275.9 |

When/How Collected

Taxed against and collected from defendant upon conviction.

E. Drug Offender Assessment Fund (DOAF)

Fee assessed upon a conviction of any felony drug offense under Article 1 ([§ 18.2-247](#) et. seq.) of Chapter 7 of Title 18.2. Such fee is also assessed in first offender drug cases disposed under [Va. Code § 18.2-251](#). The clerk shall pay the fees collected to the state treasury.

| Revenue Code | Amount Assessed | Reference(s) |
|--|--|---|
| 107 | \$150 for each felony drug conviction/disposition. | §§ 16.1-69.48:3 ; 17.1-275(A)(11) , 17.1-275.5(8) ; 18.2-251.02 |
| NOTE: Fee is included in the Fixed Misdemeanor Drug fee | | |

When/How Collected

Taxed against and collected from the defendant upon conviction or upon disposition under [Va. Code § 18.2-251](#).

F. DUI Fee

Additional fee charged on convictions of DUI related offenses.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|------------------------------|
| 113 | \$100 | §17.1-275.11 |

When/How Collected

Taxed against and collected from the defendant upon conviction of any and each charge of a violation of §§ [18.2-36.1](#), [18.2-51.4](#), [18.2-266](#), [18.2-266.1](#), [18.2-268.3](#), [46.2-341.24](#) or § [46.2-341.26:3](#), or any similar local ordinance.

G. Electronic Summons (E-Citation)

Fee to be used for the implementation and maintenance of an electronic summons system. The imposition of such assessment must be by ordinance of the local governing body. The court should have a copy of the local ordinance on file.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|--|
| 241 | Not to exceed \$5.00 | §§ 17.1-275.5(19) ; 17.1-279.1 |

When/How Collected

Taxed against and collected from defendant upon conviction in each criminal or traffic case. If a case is appealed, the circuit court clerk collects both the amounts assessed in district and circuit court.

H. Extradition Costs

Costs and expenses associated with the transport of any defendant who is charged with an offense in Virginia but who is located in another state.

| Revenue Code | Amount Assessed | Reference(s) |
|-------------------------|---------------------------|---|
| *113 (If applicable) | Actual costs and expenses | §§ 17.1-275.5(3); 19.2-112; 19.2-335, 19.2-336; Chart of Allowances |

When/How Collected

Commonwealth of Virginia shall pay all extradition expenses and costs. The local law enforcement agency that transported the defendant generally submits a voucher for expenses directly to the Office of the Executive Secretary for processing.

Extradition costs are added to court costs as an add-on pursuant to [Va. Code § 17.1-275.5](#). Should the defendant pay the costs for extradition, the clerk should receipt such payments under revenue code 113. If ordered by the court, costs may be set up as restitution under account code 520.

I. Failure to Appear Fee

Processing fee charged by the district court for non-appearance case

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|-----------------------------------|
| 121 | \$35 | § 16.1-69.48:1(A) |

When/How Collected

District court, **not** Circuit court assesses this fee on the summons or warrant. If the case is appealed and the defendant is convicted, the fee is taxed against and collected from the defendant by the circuit court.

J. Failure to Pay Fare

Persons who board or ride a transit operation and fail or refuse to pay the applicable fare or refuse to produce valid proof of payment of the fare are subject to a civil penalty.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|------------------------------|
| 201 | Not more than \$100 | § 18.2-160.3 |

When/How Collected

Assessed on conviction. This is a civil action in the district court and appealed to circuit court. Civil in nature, handled in criminal division in circuit. No costs are assessed in district court; however, circuit court costs do apply.

K. Failure to Pay Toll

Vehicles that use a toll facility without payment of the required toll are subject to a civil penalty.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|---|
| 161 194 | Varies | §§ 46.2-819.1 46.2-819.3 |

When/How Collected

Assessed and collected upon conviction.

L. Fines

1. Highway Litter

Fine assessed when defendant is convicted of littering, a class 1 misdemeanor.

| Revenue Code | Amount Assessed | Reference(s) |
|---|---|---|
| 128 (littering) 201(city or county) 260, 265, 270, 275, 280, 285, 290, 295 (town) 110 (state) | No less than \$250 or more than \$2500 as ordered by court* | §§ 33.1-346, 10.1-1418, 10.1-1419, 10.1-1424 |

When/How Collected

District court assesses this fine on the summons. If the case is appealed and the defendant is convicted in the circuit court, the circuit court taxes and collects the fine from the defendant, along with other applicable costs and fees as a result of the appeal. * If the fine revenue is remitted to the State Treasurer for the construction and maintenance of state highways.

If “clean up” costs are also ordered to be paid, see [Va. Code § 10.1-1424](#). Such costs, if to be paid to a party other than the Commonwealth, should be receipted and disbursed under revenue code 509 - Collection for Others.

M. Forfeitures: Other than Bond

See Circuit Court Clerk’s Manual – Civil

N. Game Replacement

Defendants convicted of certain game violations are required to pay the replacement cost of the animals, birds or fish illegally taken.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|---|----------------------------|
| 134 | Based on approximate replacement value of animal, bird or fish taken illegally. | § 29.1-551 |

When/How Collected

Assessed against and collected from defendant upon conviction of a violation of [Va. Code §§ 29.1-523, 29.1-525.1, 29.1-530.2, 29.1-548, 29.1-550, or 29.1-552](#). The Comptroller shall credit such payments to the game protection fund.

O. Global Positioning System (GPS)

A subject may be required to be placed on a GPS tracking device, or other similar device when on secured bond, or as a condition of probation or suspended sentence. The defendant may be ordered by the court to pay the cost of such device.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|---|----------------------------------|
| 520 | As determined and ordered by the Court. | § 19.2-123, -303 |

When/How Collected

Taxed against and collected from the defendant upon conviction. A court may order this to be paid directly to the party that places the device on the defendant.

P. Habeas Corpus

See Circuit Court Clerk’s Manual – Civil

Q. HIV, Hepatitis B or C Blood Test

Fees associated with chemical testing of blood to determine if a defendant is infected with HIV (human immunodeficiency virus) or Hepatitis B or C.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|--|--|
| 133 | Amounts for testing and blood withdrawal varies. Assess amounts charged. | §§ 18.2-62 18.2-346.1 |

When/How Collected

Taxed against and collected from defendant upon conviction when testing is ordered by the court.

R. Ignition Interlock Fee

In addition to any penalties provided by law for convictions under [Va. Code §§ 18.2-51.4](#) or [18.2-266](#) or a substantially similar ordinances of any county, city or town, any court of proper jurisdiction shall, as a condition of a restricted licenses, require an ignition interlock system for certain periods of time during the time of license suspension and restriction.

NOTE: The [Department of Motor Vehicles](#) shall publish a list of certified ignition interlock systems and shall ensure that such systems are available throughout the Commonwealth.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|---|
| 113 | \$20 | § 17.1-275.5 (10) ; 18.2-270.1 (B) |

When/How Collected

It is assessed on each conviction where an ignition interlock device is ordered.

The fee is charged only one time per case. When this fee has been charged by a District Court and the case is appealed, it may not be charged again by the Circuit Court.

S. Increase Rate Fee

Increase the amounts owed and collected to reflect the costs associated with employing or contracting with agencies or individuals to collect delinquent accounts.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|--|---|
| 499 | 17% on delinquent debt referred to collection agents on or after July 1, 2014. | 2013 Appropriations Act § 19.2-349 |

When/How Collected

The increase rate fee is automatically added at month end by the BU51 Report Listings of Unpaid Fines, Costs and Restitution. It is not subject to the accrual of judgment interest. It is reportable to DMV for notice of license suspension as part of the delinquent unpaid amount.

T. Interest of Judgments

Interest accrued on the unpaid balance of fines, costs and restitution.

| Revenue Code | Amount Assessed | Reference(s) |
|-------------------------|----------------------------|--|
| 109 (Commonwealth) | 6% from 7/1/04 to present | § 6.2-302 ; 8.01-382 ; |
| 242 (city or county) | 9% from 7/1/91 to 6/30/04 | 19.2-305.4 , 19.2-340 , |
| 250, 251, 252, | 8% from 7/1/87 to 6/30/91 | 19.2-353.5 , 19.2-354 ; |
| 253, 254, 255, | 12% from 1/1/85 to 6/30/87 | Attorney General Opinion to Davis, dated 3/23/89 (1989, pg. 194) |
| 256, 257 (town) | 10% from 7/1/81 to 6/30/83 | Attorney General Opinion to Marshall, dated 2/14/86 (1985-86, pg. 190) |
| | 8% from 10/1/77 to 6/30/81 | Attorney General Opinion to Zepkin, dated 10/15/85 (1985-86, pg. 136) |
| | | Attorney General Opinion to Parrish, dated 10/16/86 (1986-87, pg. 187) |

When/How Collected

Interest is to be assessed on the unpaid balance when 40 days have passed since final judgment or the defendant's release from incarceration. Interest is not accrued during the defendant's incarceration on the charge resulting in the fine and/or costs or when the court has ordered a deferred payment or when the defendant is making regularly court-ordered installment payments.

The court, when ordering restitution pursuant to [Va. Code §§ 19.2-305](#) or [19.2-305.1](#), may provide in the order for interest on the amount so ordered from the date of the loss or damage at the rate specified in [Va. Code § 6.1-330.54](#).

If interest is specified, but no date is given, interest will be figured from the date of sentencing.

U. Internet Crimes against Children Fee

Fee charged on every felony and misdemeanor conviction. Monies in the fund are disbursed to designated entities to support the investigation and prosecution of Internet crimes against children.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|---|-------------------------------|
| 001 | \$15 on each felony and misdemeanor conviction. | § 17.1-275.12 |

When/How Collected

Taxed against and collected from defendant upon conviction. It is charged in addition to the appropriate fixed fees.

V. Interpreter Fee

Fee charged by an interpreter for appearance on behalf of a non-English speaking or deaf/mute defendant, victim and/or witness.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|--|
| 113* | | § 8.01-384.1 ; 19.2-164 , 19-1-64.1 ; Chart of Allowances |

*Interpreter fees are not assessed as costs against the defendant; however, the court may assess as part of the costs if the defendant fails to appear for trial and is convicted of a failure to appear, if the interpreter appeared in the case but no other case on the date the defendant is convicted.

When/How Collected

The fees for interpreters for the deaf are set by the [Virginia Department for the Deaf and Hard of Hearing](#). The interpreter for the deaf presents a certificate for the clerk to sign, verifying the interpreter's appearance in court. The interpreter then submits the signed certificate to the [Virginia Department for the Deaf and Hard of Hearing](#) for payment. (The circuit court should not bill the Office of the Executive Secretary for fees associated with interpreters for the deaf.)

The court shall fix the compensation of qualified interpreters, appointed by the court in civil and criminal cases for non-English speaking parties or witnesses, in accordance with guidelines set by the Judicial Council. To receive reimbursement, the interpreter submits a DC-40, List of Allowances to the clerk. The clerk then submits the DC-40 to the Office of the Executive Secretary for further processing. The interpreter is subsequently reimbursed by the Commonwealth (State Treasurer).

W. Jail Admission Fee

This add-on fee is assessed as part of costs in felony, misdemeanor, and traffic cases where a defendant is admitted to a county, city, or regional jail following conviction. After collection by the clerk, the fee is paid to the local treasurer and shall be used by the local sheriff's office and regional jails to defray the costs of processing arrested persons into local or regional jails. The imposition of such assessment must be by ordinance of the local governing body. Each court should obtain a copy of the ordinance before the fee is assessed.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|--|--|
| 234 | An amount as determined by each local governing body but not in excess of \$25 on any individual. This fee applies to situations where the defendant is sentenced to local confinement or admittance to jail while awaiting transfer to the Department of Corrections . The fee does not apply to persons who are remanded to custody for the sole purpose of finger printing and/or DNA sampling. The fee applies to felony, misdemeanor, and traffic cases and should be assessed ONE time per sentencing event rather than on each case or count tried on a particular day. | §§ 15.2-1613.1; § 17.1-275.5(12); Local Ordinance(s) |

When/How Collected

Taxed against and collected from defendant upon conviction

When this fee has been charged by a District Court and the case is appealed, it may not be charged again by the Circuit Court. If the Circuit Court convicts the defendant on the appeal but imposes no jail time, the fee should not be assessed against the defendant at all.

SPECIAL NOTE: For localities who adopt this fee, it is not included in any fixed fee and must be added on.

X. Jury Costs

Costs of petit jurors summoned and present for a jury trial.

| Revenue Code | Amount Assessed | Reference(s) |
|--|--|---|
| 181 210 (city/county) 261, 266, 271, 276, 281, 286, 291 (town) | \$30 per diem per juror summoned and present, plus reasonable (determined by judge) per diem for board and lodging, if applicable. | §§ 17.1-275.5(7), §§ 17.1-618 through 622; 19.2-336 (when not assessed); Attorney General Opinion to Foreman, dated 5/27/82 (1981- 82, pg. 100) Attorney General Opinion to Mitchell, dated 7/16/79 (1979, pg. 120) Attorney General Opinion to King, dated 11/9/78 (1978-79, pg. 63) Attorney General Opinion to Prievr, dated 1/10/55 (1954-55, pg. 70) Attorney General Opinion to Huffman, dated 10/13/53 (1953-54, pg. 41) Chart of Allowances |

When/How Collected

Taxed against and collected from defendant upon conviction unless, at least 10 days prior to trial, the defendant waives jury trial (even if the Commonwealth or trial court refuses to waive). In cases of mistrial, hung jury or continuance, jury costs are assessed only when the trial is finally held and a conviction is returned. The costs of juries for both trials are to be assessed if the defendant is convicted at the second (or subsequent) trial. If a second jury is impaneled pursuant to [Va. Code § 19.2-295.1](#), the costs of both juries are to be assessed.

NOTE: If defendant waives jury but Commonwealth does not, jury costs are not taxed against the defendant.

When a jury trial is held for violation of a state offense, the clerk submits a DC-43, List of Allowances and, if necessary, a DC-43C, Juror Continuation Sheet for Jurors to the local treasurer. The treasurer provides a check to each juror and submits the List of Allowances with check numbers included to the Office of Executive Secretary for further processing. The locality is subsequently reimbursed by the Commonwealth (State Treasurer). When the defendant remits payment for these costs, the clerk receipts the payment under revenue code 181.

When a jury trial is held for violation of a local offense, the clerk prepares a statement of expenses for each juror and submits same to the locality. The locality, in turn, reimburses the jurors. When the defendant remits payment for these costs, the clerk receipts the payment under revenue code 210. **NOTE:** Local jury costs are not to be billed to the Office of the Executive Secretary

III. FEES AND COSTS (L-Z)

A. Legal Aid Services Fund

A notary public who violates [Va. Code § 47.1-15.1](#) is subject to a civil penalty to be paid into the Legal Aid Services Fund.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|--|-----------------------------|
| 123 | Not to exceed \$500 for 1 st violation Not to exceed \$1,000 for 2 nd or subsequent violation | § 47.1-15.1 |

When/How Collected

A civil action is brought by the Attorney General in the name of the Commonwealth, and may be first in the district court and appealed to circuit court. Civil in nature, handled in criminal division in circuit. No costs are assessed in district court; however, circuit court costs do apply.

B. Liquidated Damages/Overweight Violations

Money assessed when a vehicle (truck) is found to exceed statutory weight limits. If the case is received via a local criminal/traffic summons or warrant the case should be handled in circuit court as an appealed traffic infraction.

| Revenue Code | Amount Assessed | Reference(s) |
|--|--|---|
| 232 (local) | Liquidated damage amounts are set by statute and ordered by the judge* | § 46.2-1131 , 46.2-1133 , 46.2-1134 , 46.2-1135 , 46.2-1138.1 |
| * The following fees/costs may be collected in conjunction with a liquidated damages case: | | |
| 110 or 201 | Fine, if applicable | |
| 112 | District court fee | |
| 113 | Weighing costs, if applicable | |
| 125 | \$2 Weighing Fee | |
| 305 | Circuit court clerk's fee (if ordered by Court) | |

When/How Collected

NOTE: Most overweight violations are state versus local violations and are handled as civil administrative matters by the [Department of Motor Vehicles](#). An appeal from the DMV action is handled by the general district court as a civil suit that may be appealed to the circuit court. The circuit court does not collect this civil judgment since the defendant pays such monies to DMV.

If the case comes to the circuit court as a local traffic infraction appeal, the liquidated damages ordered to be paid are collected by the clerk, receipted under revenue Code 232 and transmitted to the locality at month's end.

C. Medical Costs for Gathering Evidence

Costs of medical examination of victim to obtain physical evidence where the victim has been sexually abused or assaulted.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|--|--|
| 113 | Varies – the Commonwealth Attorney submits invoice with appropriate supporting documentation to the Supreme Court of Virginia for payment. | § 17.1-275.5(15) ; 19.2-165.1 , 19.2-336 ; Chart of Allowances |

When/How Collected

Costs taxed against the defendant by request of Commonwealth's attorney. By statute, the Commonwealth's attorney must provide arrangements for this service. Commonwealth's attorney requests reimbursement from the Commonwealth for

payment. To assess against the defendant, the court must receive a request to add to the defendant's court costs from the Commonwealth's attorney

D. Methamphetamine Site Cleanup

Costs associated with the cleanup of a methamphetamine site can be assessed against the defendant, when the defendant is the property owner. The Court will assess either the estimated or actual expense or \$10,000 if expenses cannot be determined. (If innocent property owner or locality/law enforcement agency is awarded the expense, it is considered restitution.)

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|---|---------------------------|
| 151 | Court will award estimated/actual expense, or \$10,00 if it cannot determine expenses | §18.2-248 |

When/How Collected

Fee assessed as directed by the Court, upon conviction.

E. Out-Of-State Prisoner Costs (Agreement on Detainers)

Costs (expenses) associated with transporting an out-of-state prisoner to Virginia for trial or to serve as a witness

Not applicable. [§§ 53.1-209, 53.1-210](#); [Chart of Allowances](#).

When/How Collected

These costs are not taxed against the defendant but are submitted to the circuit court clerk by the transporting agency (e.g., local sheriff) or Commonwealth's attorney, along with receipts for expenses and Form VI - Evidence of Agent's Authority to Act for Receiving State. The transporting agency then prepares and submits a DC-40, List of Allowances with the receipts and Form VI to the court that would then submit to the Office of the Executive Secretary for processing. The transporting agency is subsequently reimbursed by the Commonwealth (State Treasurer).

F. Pen Register, Wire Trap or Tracing Device Costs

Costs associated with court-ordered installation and use of electronic or wire communication devices/services (e.g., phone tap) during the investigation of criminal activity.

Not applicable. Amount Varies, no clerk fee applies. [§§ 19.2-68, 19.2-70.1, 19.2-70.2\(G\)](#); [Chart of Allowances](#).

When/How Collected

These costs are not taxed against the defendant/suspect if subsequently convicted.

The service provider, to receive reimbursement for expenses, must submit a bill to the court. The clerk then prepares a DC-40, List of Allowances and submits this, along with the bill, to the Office of the Executive Secretary for further processing. The service provider is subsequently reimbursed by the Commonwealth (State Treasurer).

G. Psychiatric Evaluation Costs

Costs of psychiatric evaluation of defendant in the following circumstances:

- to determine competency to stand trial
- to determine mental status at the time of the offense
- to determine mental status at the time of the offense and competency to stand trial
- for presentence evaluation
- to determine sexual abnormality prior to sentencing
- for court appearance of examiner/expert witness(es), plus expenses
- for hearing on release from incarceration when defendant is acquitted due to insanity

| Revenue Code | Amount Assessed | Reference(s) |
|--------------|---|---|
| 113 | See Chart of Allowances | §§ 17.1-275.5(4); 19.2-167 through 19.2-176; 19.2-300 , 19.2-301 , 19.2-332 , 19.2-335 , 19.2-336 ; Chart of Allowances Attorney General Opinion to Bowers dated 12/4/75 (1975-76, pg. 191) |

When/How Collected

The costs are taxed against the defendant upon conviction. The examining physician/facility, in order to receive reimbursement, must submit to the clerk a DC-40, List of Allowances identifying the type of services rendered. The clerk then submits the DC-40 to the Office of the Executive Secretary for further processing. The examining physician/facility is subsequently reimbursed by the Commonwealth (State Treasurer). When the defendant subsequently remits payment for these costs, the payment is receipted under revenue code 113.

H. Public Defender Costs

Costs of legal services provided a defendant by the local public defender's office.
NOTE: Public Defenders are salaried Commonwealth employees.

| Revenue Code | Amount Assessed | Reference(s) |
|-----------------------|--|---|
| 120 (State) | See Court Appointed Counsel Guidelines & Procedures Manual | §§ 17.1-275(A)(11), 17.1-275.5(1); Court Appointed Counsel Guidelines & Procedures Manual |
| 217 or 261 (Local) | | |

When/How Collected

These costs are taxed against and collected from the defendant upon conviction. The public defender, while salaried by the [Virginia Indigent Defense Commission](#), should submit a DC-52, [Public Defender Timesheet](#) that would be retained in the file as record of costs to be assessed and paid by the defendant upon conviction.

NOTE: Public Defender costs are not submitted to the Office of the Executive Secretary for reimbursement. The clerk should follow one of the following set of procedures:

If the offense was a local violation, the clerk bills the locality for the public defender costs. The locality then remits payment to the court. The clerk, in turn, receipts the locality's payment under revenue code 120 and transmits same to the State Treasurer. When the defendant subsequently makes payment on these costs, the clerk receipts the payment under revenue code 217 and transmits the money to the locality at month's end.

If the offense is a state violation, any payments from the defendant would be receipted under revenue code 120 and transmitted to the State Treasurer.

I. Restitution

Money ordered by the court to be paid by the defendant to reimburse the victim for loss caused by the defendant, victim or estate. The Court may order the payment of interest payable at the judgment rate of interest starting from the date of the loss or sentencing.

Notwithstanding any other provision of law, any person who, on or after July 1, 1995, commits, and is convicted of, a crime in violation of any provision in Title 18.2 shall make at least partial restitution for any property damage or loss caused by the crime or for any medical expenses or expenses directly related to funeral or burial incurred by the victim or his estate as a result of the crime, may be compelled to perform community services and, if the court so orders, shall submit a plan for doing that which appears to be feasible to the court under the circumstances. [Va. Code § 19.2-305.1](#).

| Revenue Code | Amount Assessed | Reference(s) |
|--|------------------------|---|
| 520 (Restitution) | Determined by judge | §§ 8.01-427 ; 19.2-305.1 , 19.2-305.2 |
| NOTE: Interest will not accrue unless specified in the Court's order. | | |

When/How Collected

Taxed against defendant upon conviction. If restitution is ordered to be paid by the defendant to the victim of a crime and that victim can no longer be located or identified, the clerk shall deposit any such restitution collected to the Criminal Injury Compensation Fund for the benefit of the victim.

J. Sentencing (Supervision) Fee

Fee for payment towards the cost of defendant's confinement, supervision or participation in a home/electronic incarceration program as a condition of his sentence.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|---|--|
| 113 | Included in the Circuit court fixed fees. Also included in District court fixed fees. Fee would therefore be collected in both courts as part of their fixed fees | § 53.1-150 ; 17.1-275.1 , 17.1-275.2 , 17.1-275.7 , 17.1-275.8 |

When/How Collected

Fee paid to the sentencing court. The fee should be charged at the time of sentencing for persons convicted and is included in the fixed fees.

K. Suppression Costs

Costs assessed in a civil proceeding to cover the expense of fire suppression. *See* Schedule in Civil Manual.

L. Transcript Fees

The fee paid for an official copy of the record of proceedings in a trial or hearing. Word-for-word typing of everything that was said "on the record" during the trial. The stenographer (court reporter) types this transcription which is paid for by the parties requesting it.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|---------------------------------|
| 113 | Varies | § 17.1-275.5(2) |

When/How Collected

Added as costs to the fixed fees if transcripts requested and prepared.

M. Toll Roads Penalties – Failure to Pay Toll

Provides a civil penalty for a violation of [Va. Code §§ 46.2-819.1](#) and [46.2-819.3](#) when vehicle is found to have used a toll facility without payment of the required toll.

| Revenue Code | Amount Assessed | Reference(s) |
|--|---|--|
| 161 (For VDOT cases charged under §46.2-819.1) | In addition to the unpaid toll, all accrued administrative fees, and applicable court costs in each case, a civil penalty as outlined below shall be assessed upon conviction if the matter proceeds to court | §§ 46.2-819.1, 46.2-819.3 |
| 194 (For VDOT cases charged under §46.2-819.3) | | |
| 422 Non-VDOT cases Private toll road facility (court assigns account code number for each separate private facility) | | |

When/How Collected

Penalty is added to court costs upon order of the court.

N. Transportation Trust Fund

Provides a civil penalty for a violation of [Va. Code § 46.2-341.20:5](#) when a person driving a commercial motor vehicle is found guilty of driving while texting or using a handheld mobile telephone. In addition, [Va. Code § 46.2-341.20:6](#) provides a civil penalty against a motor carrier allowing or requiring its drivers to use a handheld mobile telephone or to text while driving a commercial motor vehicle.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|---|---|
| 164 | Civil penalty not to exceed \$2,750 against the driver. Civil penalty not to exceed \$11,000 against the motor carrier | § 46.2-341.20:5§ 46.2-341.20:6 |

When/How Collected

Penalty is added to court costs upon order of the court.

O. Trauma Center Fund

Fees paid into the Trauma Center Fund are for the purpose of defraying the costs of providing emergency medical care to victims of automobile accidents attributable to alcohol or drug use.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|-----------------------------------|
| 192 | \$50 | § 18.2-270.01 (A) |

When/How Collected

By court order upon conviction of violations of certain alcohol related offenses: ([Va. Code §§ 18.2-36.1; 18.2-51.4; 18.2-266; 18.2-266.1; 46.2-341.24](#)), who has been previously convicted within ten years of the date of the current offense.

P. Virginia Crime Victim Witness Fund (CVWF)

Fee assessed upon conviction of a felony, misdemeanor or traffic infraction case. Such monies are subsequently deposited in a special fund to support victim witness services programs prescribed under [Va. Code § 19.2-11.1](#).

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|--|--|
| 140 | Included in the Circuit court fixed fees. Also included in District court fixed fees. Fee would therefore be collected in both courts as part of their fixed fees. | § 16.1-69.48:1; 19.2-11.1, 19.2-11.3, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8 |

When/How Collected

Fee paid to sentencing court. Charged as part of the fixed fees.

Q. Virginia Stormwater Management Fund

Penalty assessed upon conviction of a violation of the Nutrient Trading Act. Such penalty is paid into the state treasury and deposited into the Virginia Stormwater Management Fund.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|--|---------------------------------|
| 163 | Up to \$10,000 as directed by the Court. | § 10.1-603.15:4 |

When/How Collected

Penalty assessed upon conviction, and paid to sentencing court.

R. Weighing Costs

Costs and fees assessed to recover monies expended for towing and/or reloading a vehicle detained for weighing.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|-----------------------------|
| 113 | Expenses incurred | § 46.2-1137 |

See also “Liquidated Damages” and “Weighing Costs”

When/How Collected

These costs are assessed in district court. If the case is appealed and the defendant is convicted in circuit court, the circuit court clerk taxes the costs against the defendant and remits any costs paid by the defendant to the Commonwealth.

S. Weighing Fee

Fee assessed when the driver of an overloaded vehicle is convicted, forfeits bail or purchases an increased license as a result of the vehicle being weighed. The fee is collected from the owner or operator of the vehicle.

| Revenue Code | Amount Assessed | Reference(s) |
|---------------------|------------------------|-----------------------------|
| 125 | \$2 | § 46.2-1137 |

See also “Liquidated Damages” and “Weighing Costs”

When/How Collected

The fee is assessed in district court. If the case is appealed and the defendant is convicted in the circuit court, the circuit court clerk taxes the fee against the defendant and remits the fee paid by the defendant to the Commonwealth.

T. Witness Fees

Fees and/or expenses paid to certain witnesses summoned by the Commonwealth or locality to appear in a criminal proceeding.

| Revenue Code | Amount Assessed | Reference(s) |
|-----------------------|---|--|
| 113 (Commonwealth) | Included in the Circuit court fixed fees. | §§ 2.2-2823, 2.2-2825, 53.1-209, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-611 through 17.1-623, 19.2-168, 19.2-175, 19.2-278, 19.2-329 through 19.2-335; Chart of Allowances |

When/How Collected

Included in the fixed fees.

In order for witnesses in a case to be reimbursed, follow the procedures listed below:

- a. For witnesses summoned on behalf of the Commonwealth, the clerk prepares a DC-40, List of Allowances (or DC-42, depending on the type of witness; i.e., expert, out-of-state, etc. and the Code section under which payment is being requested.) For witnesses falling under [§ 17.1-611](#), the clerk forwards the List of Allowances, along with receipts for expenses, to the local treasurer who remits payment to the witnesses. The local treasurer then submits the List of Allowances and receipts to the Office of the Executive Secretary for further processing. The locality is subsequently reimbursed by the Commonwealth (State Treasurer). For all other Commonwealth witnesses, the clerk prepares and forwards the DC-40, List of Allowances and any receipts directly to the Office of the Executive Secretary. Such witnesses are then paid by the Commonwealth.

NOTE: Refer to [Va. Code § 17.1-617](#) for details on the maximum number of witnesses that will be paid out of the state treasury for criminal cases.

- b. For witnesses summoned on behalf of the locality, the clerk prepares a statement/bill of expenses and, with receipts attached, forwards same to the locality. The locality then provides direct payment to the witnesses.

NOTE: Local witness fees are not billed to the Office of the Executive Secretary.