

## Appendix B - Criminal & Traffic Fines and Fees

### Fines and Fees (A-C)

#### Abandoned Vehicle Costs

##### Description

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

##### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113	Actual expenses	<a href="#">§ 46.2-1209;</a> <a href="#">Chart of Allowances</a>
202		

**NOTE:** Use revenue 202 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).

#### Add-On Fees/Costs

Fees/Costs authorized to be added to amounts assessed for Fixed Traffic/Criminal Infraction/Misdemeanor Fees.

##### Description

Fees/Costs assessed in addition to Fixed Fees.

## Fees and Costs Assessed

TYPE	REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
Bad Check/Credit Card Fee	135	\$50.00	<a href="#">§ 19.2-353.3</a>
Blood Withdrawal Fee	133 or 233	Not to exceed \$25.00	<a href="#">§§ 18.2-268.8;</a> <a href="#">46.2-341.26:8</a>
Court appointed Attorney or Public Defender	120 or 217 or Town Cost Code	Misdemeanor convictions, certified misdemeanor ancillary offenses & felonies certified to circuit court - \$120.00 maximum plus allowable expenses	<a href="#">§§ 16.1-267;</a> <a href="#">19.2-163;</a> <a href="#">19.2-163.4:1;</a> <a href="#">Chart of Allowances</a>
Court Reporter	113		
Courthouse Construction Fee	228	Not to exceed \$3.00	<a href="#">§ 17.1-281</a>
Courthouse Security Fee	244	Not to exceed \$20.00	<a href="#">§ 53.1-120</a>
Driving Under the Influence Fee	113	\$100.00	<a href="#">§ 16.1-69.48:1.01</a>
DNA Analysis	113/233	\$38.00 (113) and \$15.00 (233)	<a href="#">§§ 16.1-253.2;</a> <a href="#">18.2-57;</a> <a href="#">18.2-60.3;</a> <a href="#">18.2-60.4;</a> <a href="#">18.2-67.4;</a> <a href="#">18.2-67.4:1;</a> <a href="#">18.2-67.4:2;</a> <a href="#">18.2-67.5;</a> <a href="#">18.2-102;</a> <a href="#">18.2-119;</a> <a href="#">18.2-121;</a> <a href="#">18.2-130;</a> <a href="#">18.2-370.6;</a> <a href="#">18.2-387;</a> <a href="#">18.2-387.1;</a> <a href="#">46.2-460(E)</a>
DUI Blood - State Analysis Fee	133	\$25.00	<a href="#">§ 18.2-268.8</a>
Electronic Summons Fee	241, 262, 267, 272, 277, 282, 287, 292, 297, 2B2, 2B7, 2X0, 165	Not to exceed \$5.00	<a href="#">§ 17.1-279.1</a>  §17.1-275.14

TYPE	REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
Game or Fish Replacement Fee	134	Varies	<a href="#">§ 29.1-551</a>
HIV Blood Test	133	Analysis - amount for testing varies. Amount varies for blood withdrawal.	<a href="#">§§ 18.2-62;</a> <a href="#">18.2-346.1</a>
Hunting, Trapping, Fishing Without a License	134	Fee equal to cost of required license	<a href="#">§ 29.1-335</a>
Ignition Interlock Device Costs	113	\$20.00	<a href="#">§ 18.2-270.1</a>
Internet Crimes Against Children Fund	001	\$15.00 - assess on each felony or misdemeanor conviction/deferred disposition	<a href="#">§ 17.1-275.12</a>
Jail Admissions Fee	234	Not to exceed \$25.00	<a href="#">§ 15.2-1613.1</a>
Local Criminal Justice Training Academy Fee	243	Amount Set by Local Ordinance	<a href="#">§ 9.1-106</a>
Motorboat and Water Safety Fund	030	\$100 civil penalty	<a href="#">§ 29.1-735.2</a>
Reimbursement of Medical Fees	113	Varies	<a href="#">§ 19.2-165.1</a>
Remote Alcohol Monitoring Device	113	\$20.00	<a href="#">§ 18.2-270.1</a>
Time to Pay Fee	137	\$10.00	<a href="#">§ 19.2-354</a>
Trauma Center Fund	192	\$50.00	<a href="#">§ 18.2-270.01</a>
Trial in Absence Fee	121	\$35.00	<a href="#">§ 16.1-69.48:1</a>
Virginia Health Care Fund	108	\$25.00	<a href="#">§ 15.2-2826</a>
Virginia Prevention of Sex Trafficking Fund	002	\$100 (misdemeanor) \$500 (felony)	§ 16.1-69.48:1.6 <a href="#">§ 17.1-275.13</a>
Weighing Fee	125	\$2.00	<a href="#">§ 46.2-1137</a>
Witness Fees	113 or 237	Mileage, tolls, expenses <a href="#">§ 2.2-2823</a>	<a href="#">§§ 17.1-611;</a> <a href="#">17.1-612;</a> <a href="#">§§ 19.2-329;</a> <a href="#">19.2-330</a>
Witness Fee - Testimony Certificate of Analysis	113	\$50.00 - assessed upon conviction if accused demands at hearing or trial the presence of person who performed analysis that is detailed in Certificate of Analysis	<a href="#">§ 19.2-187.1</a>

## When/How Collected

Convictions, including prepayments.

Any non-statutory specific authority orders or deferred dispositions, taken under advisement with conditions or evidence sufficient (*See Attorney General Opinion to the Honorable Joel C. Cunningham, dated 12/21/01; General district court clerk is not required, nor authorized, to determine whether deferred judgment order is statutorily authorized prior to assessing applicable costs.*)

DNA sample is not collected and no DNA fee assessed upon deferral unless later there is a conviction. Driver Improvement/Mature Driver Motor Vehicle Crash Prevention Course cases [Va. Code § 16.1-69.48:1](#)

Proof of compliance with law under [Va. Code §§ 46.2-104, 46.2-324, 46.2-613, 46.2-646, 46.2-711, 46.2-715, 46.2-716, 46.2-752, 46.2-1000, 46.2-1003, 46.2-1052, 46.2-1053, and 46.2-1158.02](#). Payment of license tax subsequent to summons under [Va. Code § 3.2-6536](#). Rabies vaccination subsequent to summons under [Va. Code § 3.2-6521](#).

Specific statutory deferred disposition, taken under advisement with conditions or evidence sufficient orders pursuant to:

<a href="#">§ 4.1-305</a>	Purchase/Possess Alcohol under twenty-one
<a href="#">§ 16.1-278.8</a>	Delinquency
<a href="#">§ 16.1-278.9</a>	Abuse and lose offenses - DUI, purchase/possess alcohol, misdemeanor/felony drugs, drink or possess alcohol on public school grounds, drunk in public, use/possess handgun, concealed handgun, or street sweeper
<a href="#">§ 18.2-57.3</a>	Family Assault
<a href="#">§ 18.2-251</a>	First Time Drug Offender
<a href="#">§ 19.2-151</a>	Accord and Satisfaction orders
<a href="#">§ 19.2-303.2</a>	Property First Offenses - Defendant without previous felony conviction <a href="#">§§ 18.2-119</a> through <a href="#">18.2-167.1</a> .
<a href="#">§ 19.2-303.6</a>	Deferred Disposition in a Criminal Case; Persons with Autism or Intellectual Disabilities.
§ 19.2-298.02	Deferred Disposition in a Criminal Case

## ASAP - Alcohol Safety Action Program Fee

### Description

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](#), and [46.2-341.24](#) or any local ordinance similar thereto

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
N/A	\$250.00 - \$300.00	<a href="#">§ 18.2-271.1</a> ; <a href="#">§ 29.1-738.5 (B)</a>

**NOTE:** 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.

### 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.

## Bad Check/Credit/Debit Card Fee

### Description

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/debit card which is disallowed.

**NOTE:** This fee is not assessed on bad checks received for civil case filings.

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
135	\$50.00	<a href="#">§ 19.2-353.3</a>

### When/How Collected

Taxed against the defendant as additional costs.

## Blaze Orange/Blaze Pink Clothing

### Description

During any firearms deer season, except during the special season for hunting deer with a muzzle-loading rifle only, in counties and cities

designated by the Board, every hunter and every person accompanying a hunter shall (i) wear a blaze orange *or blaze pink* hat, except that the bill or brim of the hat may be a color or design other than solid blaze orange *or blaze pink*, or blaze orange *or blaze pink* upper body clothing, that is visible from 360 degrees or (ii) display at least 100 square inches of solid blaze orange *or blaze pink* material at shoulder level within body reach visible from 360 degrees. This section does not apply when (i) hunting waterfowl from stationary or floating blinds, (ii) hunting waterfowl over decoys, (iii) hunting waterfowl in wetlands as defined in [Va. Code § 28.2-1300](#), (iv) hunting waterfowl from a boat or other floating conveyance, (v) participating in hunting dog field trials permitted by the Board of Department of Wildlife Resources, or (vii) hunting with a bow and arrow in areas where the discharge of firearms is prohibited by state law or local ordinance.

#### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
110	\$25.00	<a href="#">§ 29.1-530.1</a>

#### When/How Collected

Taxed against the defendant upon conviction.

### Blood Test Fee - DUI Cases

#### Description

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. Analysis of the first blood sample is performed by Consolidated Laboratories. A second blood sample analysis may be conducted by an independent (private) laboratory upon request of the defendant. The defendant pays the fees for testing the second sample directly to the lab. If the defendant is indigent, the Commonwealth of Virginia will pay for the testing of the second sample. The clerk's office should not receive an invoice directly from the laboratories that perform the analysis for payments of testing the second vial of blood. If the defendant has court appointed counsel, including public defender, counsel pays the testing fee and submits these testing fees (not to exceed \$50) as an expense on the DC-40 voucher, to be paid by the Commonwealth for state cases and the locality for local cases. Documentation supporting the invoice amount is required to be submitted with the DC-40 voucher.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
133	Blood withdrawal - not to exceed \$25.00	<a href="#">§ 18.2-268.8</a> ;
233	Consolidated Lab analysis (1 <sup>st</sup> vial) - \$25.00	<a href="#">§ 46.2-341.26:8</a>

**NOTE:** Use Revenue Code 233 only if the locality pays for blood withdrawal and the court reimburses the locality.

## When/How Collected

Assessed against defendant upon conviction.

**Blood Test Fee - HIV & Hepatitis B or C Testing**

## Description

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 may be conducted by the [Virginia Division of Consolidated Laboratories](#) or other approved labs, may occur in the following situations:

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 \(A\)](#).

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 \(B\)](#).

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](#).

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
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133	Amounts for testing and blood withdrawal varies. Assess amount charged for testing and withdrawal.	<a href="#">§§ 18.2-62; 18.2-346.1</a>
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## When/How Collected

Taxed against and collected from defendant upon conviction.

**Blood Test Fee - HLA (Paternity Cases)**

## Description

Fees associated with chemical test(s) to determine paternity. The court, before which the question of paternity arises, upon the motion of either party, may direct and order the alleged father, the mother and child to submit to such blood-grouping test.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
133	Varies	<a href="#">§ 20-49.3</a>

## When/How Collected

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.

**Bond Forfeiture**

## Description

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.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
201 or appropriate primary locality (county/city) Revenue Code	N/A	<a href="#">§ 19.2-143 et seq.</a>



When/How Collected

When any defendant or juvenile who posted a cash bond and failed to appear is tried in his absence and is convicted, the court shall apply the cash bond to the payment of fines and costs assessed on that case. Any remaining funds shall be forfeited without further notice.

If the defendant or juvenile who posted a cash bond failed to appear, but is not tried in his absence, the bond shall be forfeited promptly without further notice.

When a person fails to perform the condition of appearance, a hearing shall be held upon reasonable notice to all parties affording them opportunity to show cause why all or part of the recognizance should not be forfeited.

**Child Safety Restraint Device Penalty**

Description

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

Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
114	\$50.00 for violation of <a href="#">Va. Code § 46.2-1095</a> or \$20.00 penalty for failure to carry a statement of exemption in violation of <a href="#">Va. Code § 46.2-1096</a> . No court costs shall be assessed for violation of this section	<a href="#">§§ 46.2-1095;</a> <a href="#">46.2-1096;</a> <a href="#">46.2-1097;</a> <a href="#">46.2-1098</a>

When/How Collected

Assess as civil penalty upon conviction and collect from defendant. All civil penalties collected pursuant to this section shall be paid into the Child Restraint Device Special Fund as provided for in [Va. Code § 46.2-1097](#).

**Cigarettes: Tax-Paid Contraband Cigarettes**

## Description

A civil penalty of (i) \$2.50 per pack, but no more than \$5,000, for a first offense; (ii) \$5 per pack, but no more than \$10,000, for a second such offense committed within a 36-month period; and (iii) \$10 per pack, but no more than \$50,000, for a third or subsequent such offense committed within a 36-month period for violations relating to possession with intent to distribute tax-paid, contraband cigarettes. The civil penalties shall be assessed and collected by the Department as other taxes are collected.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
520	Civil penalty	<a href="#">§ 58.1-1017.1</a>

**NOTE:** The civil penalty may be collected directly by the Department of Taxation; or if ordered payable to the court, receipt these funds as restitution (revenue account code 520) and subsequently disburse to the Department of Taxation.

## When/How Collected

If ordered by court, collect as restitution (520) and forward to:

Department of Taxation  
Tobacco Unit  
PO Box 715  
Richmond, VA 23218  
(804) 371-0730

**Computer Analysis Fee**

## Description

A fee to be assessed in an amount equal to the actual cost of the computer forensic analysis not to exceed \$100 for each computer.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
520	Not to exceed \$100 per computer	<a href="#">§ 16.1-69.48:1.02;</a> <a href="#">§ 17.1-275.11:1</a>

**NOTE:** The court may receipt these funds as restitution (revenue account code 520) and subsequently disburse funds so collected to the requesting law-enforcement agency. At the court's discretion or as otherwise ordered by the court, the defendant may make payment directly to the law-enforcement.

#### When/How Collected

Upon a finding of guilt of any charge or charges in which any computer forensic analysis revealed evidence used at trial of a defendant, the defendant may be assessed an amount equal to the actual cost of the computer forensic analysis not to exceed \$100 for each computer. DC-362, MOTION AND AFFIDAVIT REQUESTING COSTS FOR COMPUTER FORENSIC ANALYSIS to be submitted by law enforcement.

### Confiscated Monies/Property

#### Description

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

#### Fees and Costs Assessed

REVENUE CODE		REFERENCE(S)
111	Non-drug related forfeiture of money	<a href="#">§§ 19.2-386.1</a> through <a href="#">19.2-386.31</a>
509	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.

### Court Appointed Attorney Costs

#### Description

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

#### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
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120 (State Charges) 217 (Local Charges) 261, 266, 271, 276, 281, 286, 291 (Town Charges)	See <a href="#">Chart of Allowances</a> and <a href="#">COURT APPOINTED COUNSEL                  GUIDELINES &amp; PROCEDURES MANUAL.</a>	<a href="#">§§ 16.1-267;                  19.2-163</a> <a href="#">Chart of Allowances</a> <a href="#">COURT APPOINTED                  COUNSEL GUIDELINES &amp;                  PROCEDURES MANUAL</a>
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**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 tried as part of the same judicial proceeding.

When/How Collected

Taxed against the defendant upon conviction. To receive reimbursement, the court appointed attorney must submit a DC-40, LIST OF ALLOWANCES to the court, preferably at the time of sentencing.

For appointment of multiple charges, the judge should designate the amount for each charge when approving the DC-40, LIST OF ALLOWANCES. This will allow the clerk to assess the proper amount against the defendant for each conviction as required by [Va. Code § 19.2-163](#). If the amount per charge is not designated for appointment of multiple charges, then the clerk should prorate that amount to all charges equally by dividing the total amount awarded the court-appointed attorney by the number of charges represented. Please refer to the [COURT APPOINTED COUNSEL GUIDELINES & PROCEDURES MANUAL](#) for additional guidance.

**NOTE:** If the defendant is charged with a violation of a Commonwealth of Virginia statute, the court shall direct the Commonwealth of Virginia to pay approved court appointed attorney costs. If the defendant is charged with a violation of a county, city or town ordinance, the court shall direct the appropriate locality to pay approved court appointed attorney costs.

A 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](#).

When the court appoints counsel to represent a child under [Va. Code § 16.1-267 \(A\)](#) or appoints counsel as guardian *ad litem* to represent a child in an abuse or neglect case pursuant to [Va. Code § 16.1-266 \(A\)](#) and the parents or another party with a legitimate interest therein who has filed a petition with the court are found to be financially able to pay for the attorney and refuse to do so, the court shall assess costs against the parents or the other party as noted above in the amount awarded the attorney by the court. DJS recommends that counsel should assess court-appointed counsel fees incurred in a civil show cause case for failure to pay child support under [Va. Code § 16.1-266 \(D\)](#). (Legal Research letter dated 9/30/2002 - Steven Dalle Mura).

Waiver on compensation cap for court-appointed attorneys - provides that court appointed counsel, who are not public defenders, may request a waiver of the limitations on compensation up to a certain specified additional amount depending on the charges being defended when the effort expended, the time reasonably necessary for the representation, the novelty and difficulty of the issue, or circumstances that warrant such a waiver. To receive reimbursement, the court appointed attorney must submit a DC-40, LIST OF ALLOWANCES, ATTORNEY TIME SHEET, and a DC-40A, APPLICATION AND AUTHORIZATION FOR WAIVER OF FEE CAP to the court, preferably at the time of sentencing. The determination of whether to grant such a waiver shall be subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia. Counsel may request an additional waiver exceeding these amounts and the presiding judge shall determine whether an additional waiver is justified.

If the judge determines that the additional waiver is justified, he shall forward the request to the chief judge of the circuit or district court for approval. If the Executive Secretary of the Supreme Court of Virginia certifies that funds appropriated to pay for such waivers become insufficient, no further waivers shall be approved. In the event the defendant is convicted and a waiver of the compensation cap has been requested, the court shall only assess against the defendant an amount equal to the pre-waiver cap as part of the cost of prosecution.

MAXIMUM COMPENSATION	OFFENSE
\$120 plus approved expenses	Misdemeanor in District Court & Juvenile cases under <a href="#">Va. Code § 16.1-266</a>
\$120 plus approved expenses	Felony Certified to Circuit Court/Misdemeanor Ancillary Offense Certified to Circuit Court

MAXIMUM COMPENSATION	OFFENSE
\$445 plus approved expenses	Class III through VI Felony disposed of in District Court - Final disposition reduced to misdemeanor, dismissed, <i>nolle prosequi</i> , etc.
\$1,235 plus approved expenses	Class II Felony or Unclassified Felony with punishment greater than twenty years
Request for Waiver	Waiver of the limitations on compensation up to a certain specified additional amount depending on the charges being defended when the effort expended, the time reasonably necessary for the representation, the novelty and difficulty of the issue, or other circumstances warrant such a waiver. In the event the defendant is convicted and a waiver of the compensation cap has been requested, the court shall only assess against the defendant an amount equal to the pre-waiver cap as part of the cost of prosecution.

### Court Processing Fee - Fixed Costs

#### Description

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

#### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
460 Fixed Traffic Infraction Fee	\$51.00 per charge	<a href="#">§ 16.1-69.48:1</a> Attorney General's Opinion to the Honorable J.R. Zepkin, dated 5/30/91
461 Fixed Misdemeanor Fee - Non-Drug Criminal & Traffic Misdemeanor	\$61.00 per charge	
462 Fixed Drug Misdemeanor Fee	\$136.00 per charge	

#### When/How Collected

The district court assesses these fees on the summons or misdemeanor warrant upon conviction or statutorily specified deferred disposition or complied with law cases in addition to any other costs specifically provided by statute [Va. Code § 16.1-69.48:1](#).

**PROTOCOLS:** A defendant with multiple charges arising from the same incident (same offense date and time) and tried as a single appearance (same court date and time) shall be assessed one fixed fee only. If the multiple charges as noted above involve a combination of infractions, misdemeanors, and/or drug misdemeanors, the higher of the applicable fixed fee is assessed. The other case documents should be cross referenced regarding fee assessments as follows: "See case number \_\_\_\_\_ for fixed fee assessment of \$\_\_\_\_\_ (amount)."

**NOTE:** A judge has no authority to suspend costs upon conviction (Attorney General Opinion to Honorable Dale W. LaRue 8/13/64) and a judge may not assess court costs when a charge has been dismissed except where specifically allowed by statute (Attorney General Opinion to Honorable George B. Dillard, dated 6/15/1977).

## Court Reporter Fee

### Description

Assess the sitting fee and costs of transcript, when a court reporter is appointed to report proceedings, to transcribe the report or record when appropriate, to an indigent defendant in felony case. Each judge of a court of record having jurisdiction over criminal proceedings shall be authorized, in all felony cases and habeas corpus proceedings to appoint a court reporter to report proceedings or to operate mechanical or electrical devices for recording proceedings, to transcribe the report or record of such proceedings, to perform any stenographic work related to such report, record or transcript including work pertinent to the court's findings of fact and conclusions of law pertinent thereto. Such reporter shall be paid by the Commonwealth on a per diem or work basis as appropriate out of the appropriation for criminal charges.

### Fees and Costs Assessed

REVENUE CODE	REFERENCE(S)
113 Actual costs and expenses (if applicable)	<a href="#">§§ 19.2-166; 19.2-336</a>

### When/How Collected

Taxed against and collected from defendant upon conviction or upon statutorily authorized complied with law or deferred disposition.

## Courthouse Construction Fee (CHCF)

### Description

Any county or city, which, on or after January 1, 2008, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines, as certified by the Department of General Services upon application to the Department by the county or city, and which cannot be feasibly renovated to correct such non-compliance, through its governing body, may assess an additional sum not in excess of \$3 as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance. Such additional fee assessed under this subsection shall not be assessed in any civil action if the amount in controversy is \$500 or less.

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
228	As directed by local statute (not to exceed \$3)	<a href="#">§ 17.1-281</a>

### When/How Collected

Taxed against and collected from defendant upon conviction or upon statutorily authorized complied with law or deferred disposition and in each civil action filed where the amount in controversy exceeds \$500.

## Courthouse Maintenance Fund Fee (CHMF)

### Description

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.



## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
229	Included in District court fixed fees.	<a href="#">§ 16.1-69.48:1</a> ; <a href="#">§ 17.1-281</a>

## When/How Collected

Taxed against and collected from defendant upon conviction or upon statutorily authorized complied with law or deferred disposition.

**Courthouse Security Fund (CHSF)**

## Description

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 for the funding of courthouse security personnel. 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. The effective date of the fee is based on the effective date of the ordinance. Each court should obtain a copy of the ordinance before the fee is assessed. Funds collected through the assessment of the CHSF fee shall only be used to fund courthouse security personnel and equipment used in connection with courthouse security.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
244	An amount as determined by each local governing body but not in excess of \$20.00 per case shall be added on in addition to any fixed fee.	<a href="#">§ 53.1-120 (D)</a> Local Ordinance

## When/How Collected

Taxed against and collected from a defendant upon conviction or upon statutorily authorized complied with law or deferred disposition.

## Criminal History Fee

### Description

A magistrate collects this fee from a bail bondsman who requests a defendant's Virginia criminal history record issued pursuant to [§ 19.2-389](#). The magistrate receipts this payment to revenue code 116 and forwards this payment to the General District Court for the locality in which the magistrate is located. The court will receipt these funds via a GGM receipt to revenue code 116 and transmits these funds to the state treasury in the usual manner. On the "account of" line, the court should record the name of the bondsman who paid the fee. On the "received of" line, the court should record the name of the magistrate who transmitted the collection and provide a copy of the receipt to the magistrate.

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
116	\$15.00 per criminal history requested is paid by bail bondsman to magistrate, who then transmits collected funds to the General District Court in which the magistrate is located.	<a href="#">§ 19.2-120 (F)</a>

### When/How Collected

Court receives fees collected by magistrates from bail bondsmen who request a defendant's Virginia criminal history record. **NOTE:** Court receipts funds transmitted by magistrate using GGM receipt.

## Criminal Injury Compensation Fund Fee (CICF)

### Description

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.

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
132	The appropriate amount is included in the District Court Fixed Fees as provided for in <a href="#">Va. Code § 16.1-69.48:1</a> .	<a href="#">§ 16.1-69.48:1</a> ; <a href="#">§ 19.2-368.18(B)</a>

## When/How Collected

Taxed against and collected from defendant upon conviction or upon statutorily authorized complied with law or deferred disposition.

**Criminal Justice Training Academy Fund (LOCAL)**

## Description

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, 2010 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.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
243	Varies per Local Ordinance	<a href="#">§ 9.1-106</a>

## When/How Collected

Taxed against and collected from defendant upon conviction or upon statutorily authorized complied with law or deferred disposition.

**Criminal Justice Training Academy Fund (Regional)**

## Description

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

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
143	Included in the District Court fixed fees as provided in <a href="#">Va. Code §16.1-69.48:1</a> .	<a href="#">§ 9.1-106</a> <a href="#">§ 16.1-69.48:1</a>

## When/How Collected

Taxed against and collected from defendant upon conviction or upon statutorily authorized complied with law or deferred disposition.

## Fines and Fees (D-J)

### Deferred Disposition Costs

#### Description

Assessment of the fees/costs provided for in [Va. Code § 16.1-69.48:1](#) shall be based on ...”(v) a deferral of proceedings pursuant to [§§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251, § 19.2-303.2, 19.2-303.6 or 19.2-298.02.](#)”

#### Fees and Costs Assessed

Revenue codes and Amount Assessed varies. Costs/fees should be assessed and collected as outlined in [Va. Code § 16.1-69.48:1](#) and include any applicable add-on costs/fees.

REFERENCE(S)	
<a href="#">§ 4.1-305</a>	Purchase/Possess Alcohol under 21
<a href="#">§ 16.1-69.48:1</a>	Costs/fees
<a href="#">§§ 16.1-278.8;</a> <a href="#">16.1-278.9</a>	Delinquency
<a href="#">§ 18.2-57.3</a>	Family Assault
<a href="#">§ 18.2-251</a>	First Time Drug Offender
<a href="#">§ 19.2-303.2</a>	First Time Property Offenses <a href="#">§§ 18.2-119</a> through <a href="#">18.2-167.1</a> Defendants without previous felony conviction
<a href="#">§ 19.2-303.4</a>	Payment of costs when proceedings deferred and defendant placed on probation.
<a href="#">§ 19.2-303.6</a>	Deferred disposition in a criminal case; persons with autism or intellectual disabilities.
<a href="#">§ 19.2-298.02</a>	Deferred disposition in a Criminal Case

#### When/How Collected

Assessed against and collected from defendant upon any deferred disposition including those pursuant to the above referenced statutes. DNA sample is not collected and no DNA fee assessed upon deferral unless later there is a conviction.

## DNA Analysis

### Description

Provides that every person convicted of a misdemeanor violation of [§§ 16.1-253.2](#), [18.2-57](#), [18.2-60.3](#), [18.2-60.4](#), [18.2-67.4](#), [18.2-67.4:1](#), [18.2-67.4:2](#), [18.2-67.5](#), [18.2-102](#), [18.2-119](#), [18.2-121](#), [18.2-130](#), [18.2-370.6](#), [18.2-387](#), [18.2-387.1](#), or [18.2-460\(E\)](#) or of any similar ordinance of any locality shall have a sample of his blood, saliva or tissue taken for DNA analysis. 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. [Va. Code §§ 19.2-310.2](#), [19.2-310.7](#).

### Fees and Costs Assessed

The fee shall be assessed upon conviction and 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 Data System (LIDS), no additional sample shall be taken.

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113 (Commonwealth) 233 (Locality)	The fee is \$53 with \$38.00 going to the Commonwealth (113) and \$15.00 going to the locality (233)	<a href="#">§§ 16.1-253.2</a> ; <a href="#">18.2-57</a> ; <a href="#">18.2-60.3</a> ; <a href="#">18.2-60.4</a> ; <a href="#">18.2-67.4</a> ; <a href="#">18.2-67.4:1</a> ; <a href="#">18.2-67.4:2</a> ; <a href="#">18.2-67.5</a> ; <a href="#">18.2-119</a> ; <a href="#">18.2-102</a> ; <a href="#">18.2-121</a> ; <a href="#">18.2-130</a> ; <a href="#">18.2-370.6</a> ; <a href="#">18.2-387</a> ; <a href="#">18.2-387.1</a> ; <a href="#">18.2-460(E)</a> ; or any similar ordinance of any locality

### When/How Collected

Taxed against and collected from defendant upon conviction. DNA sample is not collected and no DNA fee assessed upon deferral unless later there is a conviction.

A defendant's noted appeal or intent to appeal does not prohibit the collection of the DNA sample upon conviction.

## Driver Improvement Clinic Fee/Mature Driver Motor Vehicle Crash Prevention Course

### Description

Fee for entrance into a driver improvement education and training program designed to assist problem drivers; or fee to attend a mature driver motor vehicle crash prevention course.

## Fees and Costs Assessed

Revenue Code is not applicable.

AMOUNT CHARGED/ASSESSED	REFERENCE(S)
Fee varies depending on program	<a href="#">§ 16.1-69.48:1</a> ; <a href="#">§ 46.2-502</a> ; <a href="#">§ 46.2-505</a>

## When/How Collected

Driver Improvement Clinic Fees/Mature Driver Motor Vehicle Crash Prevention Course fees should not be collected by the court but rather should be paid directly by the defendant. **NOTE:** The court may require a defendant to successfully complete a driver improvement clinic, traffic school, or a mature driver motor vehicle crash course 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.

**Drive-Off from Retail Motor Fuel Establishment**

## Description

No person shall drive a motor vehicle off the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment for such fuel has been made. Any person who violates this section shall be liable for a civil penalty not to exceed \$250.00.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
110	Civil Penalty not to exceed \$250.00 plus court costs. Prosecution for larceny is not precluded.	<a href="#">§ 46.2-819.2</a>

## When/How Collected

Assessed against and collected from defendant upon conviction of the below referenced statute.

**Drug Analysis (Forensic Lab) Costs**

## Description

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

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113	Included in the District Court misdemeanor fixed fees as provided for in <a href="#">Va. Code § 16.1-69.48:1</a> .	<a href="#">§ 16.1-69.48:1</a> 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.

**Drug Enforcement Jurisdiction Fund (DEJF) Fee**

## Description

Fee assessed upon conviction or statutorily authorized deferred disposition 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.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
140	Included in the District Court misdemeanor fixed fees as provided for in <a href="#">Va. Code § 16.1-69.48:1</a> .	<a href="#">§ 9.1-105</a> ; <a href="#">§ 15.2-1715</a> ; <a href="#">§ 16.1-69.48:1</a>

## When/How Collected

Taxed against and collected from defendant upon conviction or upon statutorily authorized complied with law or deferred disposition.

**Drug Offender Assessment Fund (DOAF)**

## Description

Fee assessed upon a conviction of any misdemeanor drug offense under any provision of Article 1 ([§ 18.2-247 et. seq.](#)) of Chapter 7 of Title 18.2 and upon each misdemeanor disposition under [Va. Code § 18.2-251](#) as part of the Fixed Drug Misdemeanor Fee.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
107	\$75 for each drug conviction/disposition is included in the Fixed Misdemeanor Drug fee.	<a href="#">§ 16.1-69.48:3</a>

## When/How Collected

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

**Duck Blinds in Disrepair**

## Description

Requires a person who holds a duck blind license for a stationary blind located in the City of Virginia Beach to immediately notify the Department of Wildlife Resources (the Department) when his blind has been abandoned or does not meet the duck blind standards.

Any person who violates any provision of this section or any regulation promulgated hereunder shall be subject to a civil penalty of \$100. All civil penalties assessed under this section shall be deposited in the Motorboat and Water Safety Fund of the Game Protection Fund and used as provided for in [§ 29.1-701](#).

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
030	\$100.00	<a href="#">§ 29.1-345.2</a>



## When/How Collected

Taxed against and collected from a defendant upon each conviction of this section. Do not assess court costs.

**Electronic Summons Fee**

## Description

Any county, city, or town, through its governing body, may assess an additional sum not in excess of \$5 as part of the costs in each criminal or traffic case in the district or circuit courts located where such cases are brought in which the defendant is charged with a violation of any statute or ordinance, which violation in the case of towns arose within the town. The correct fee will be assessed to the individual account to match the local fine code. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county, city, or town, and held by such treasurer subject to disbursements by the governing body to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. The imposition of a town assessment shall replace any county fee that would otherwise apply.

Additionally, a fee of \$5 shall be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation. All fees collected pursuant to this section shall be deposited into the state treasury and credited to the Virginia State Police Electronic Summons System Fund.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
241, 262, 267, 272, 277, 282, 287, 292, 297, 2B2, 2B7, 2X0	As directed by local ordinance (Not to exceed \$5.00)	<a href="#">§ 17.1-279.1</a>
165	A fee of \$5 shall be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation.	§17.1-275.14

## When/How Collected

Taxed against and collected from a defendant upon conviction or upon statutorily authorized complied with law or deferred disposition.

**Expert Assistance Fee**

## Description

The fee charged for an expert assistance to be assessed back to the defendant upon conviction or upon certification to circuit court.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113	In any case in which an expert assistant is ordered and such person is convicted or such case is certified to the circuit court, such fee shall be taxed against the person as part of the costs of prosecution and, if collected, shall be paid to the Commonwealth.	<a href="#">§§ 19.2-332, 19.2-336</a>

## When/How Collected

Fee is taxed to the defendant as part of costs upon conviction or upon certification to the circuit court.

**Extradition Costs**

## Description

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.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113 (If applicable)	Actual costs and expenses (if applicable)	<a href="#">§ 19.2-112</a> <a href="#">Chart of Allowances</a>

## 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 cost if the person extradited is found guilty, or if the person was extradited after illegally leaving the Commonwealth while on parole or probation pursuant to [Va. Code § 19.2-112 \(B\)](#). Should a court-appointed attorney or public defender be appointed to represent the defendant and the defendant later decides to waive extradition proceedings, the court-appointed attorney's or public defender's fee taxed against the defendant provided the court-appointed attorney submits a DC-40, LIST OF ALLOWANCES or the public defender submits a DC-52, [PUBLIC DEFENDER TIMESHEET](#) preferably at the time of sentencing to the court. Should the defendant pay the costs for extradition, the clerk should receipt such payments under revenue code 113.

**Fine - Local**

## Description

Monetary penalty for violation of a local law/ordinance.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
201 (city or county) 260, 265, 270, 275, 280, 285, 290, 295 (town)	As ordered by the court.	<a href="#">§ 19.2-340</a> Local Ordinances

## When/How Collected

Taxed against and collected from the defendant upon conviction.

**Fine - State**

## Description

Monetary penalty for violation of state law.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
110	As ordered by the court.	<a href="#">§ 19.2-340</a>

## When/How Collected

Taxed against and collected from defendant upon conviction.

**Game Replacement Fee**

## Description

Fee assessed in District court on game and fish violations. Such fees are based upon the replacement cost of game or fish illegally taken.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
134	Game Replacement fees are recommended by and a copy of the schedule may be obtained from the <a href="#">Department of Wildlife Resources</a>	<a href="#">§ 29.1-551</a>

## 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.

**Highway Litter Fine**

## Description

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

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
128	Up to \$1,000.00 as ordered by the court	<a href="#">§§ 33.1-346;</a> <a href="#">33.1-346.1;</a> <a href="#">§§ 10.1-1418;</a> <a href="#">10.1-1419;</a> <a href="#">10.1-1424</a>

**NOTE:** 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 - Escrow Collection for Others.

When/How Collected

Assessed and taxed as costs against defendant upon conviction in the District court. The revenue is remitted to the State Treasurer for the construction and maintenance of state highways, except as ordered by the judge under [Va. Code § 33.1-346.1](#).

**HOT Lane Penalties – Failure to Pay Toll**

Description

Provides a civil penalty for a violation of [Va. Code § 33.2-503-3](#) when vehicle is found to have used a toll facility without payment of the required toll. For violations on any toll road, there is a cap of \$2,200 on civil penalties and administrative fees for a first conviction.

Fees and Costs Assessed

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.

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
290	\$50.00 1 <sup>st</sup> offense	<a href="#">§ 33.2-503-3</a>
	\$100.00 2 <sup>nd</sup> offense	
256 (Interest assessed on cases for HOT Lanes violations)	\$250.00 3 <sup>rd</sup> offense within two years from the second offense	
	\$500.00 4 <sup>th</sup> and any subsequent offense within three years from the second offense	

When/How Collected

Assessed and collected upon conviction if the matter proceeds to court.

**NOTE:** The court shall remand penalties, the unpaid toll, and administrative fees assessed for violation of this section to the treasurer or director of finance of the county or city in which the violation occurred for payment to the HOT lanes operator for expenses associated with operation of the HOT lanes.

## HOV Lane Violations

### Description

The [Commonwealth Transportation Board](#) may designate one or more lanes of any highway in the interstate, primary, or secondary highway systems as high-occupancy vehicle lanes (HOV). Any person driving a motor vehicle in a designated HOV lane in violation of this statute shall be guilty of a traffic infraction, which shall not be a moving violation. Penalties for violations within the boundaries of Planning District Eight will be different from the penalties for violations in other regions.

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
110	\$100.00 For driving in violation of HOV lane restrictions in regions other than Planning District Eight.	<a href="#">§ 33.2-501</a>
	<b>FOR PLANNING DISTRICT EIGHT ONLY:</b>	
	\$125.00 1 <sup>st</sup> offense for driving in violation of HOV lane restrictions.	
	\$250.00 2 <sup>nd</sup> offense within five years from first offense for driving in violation of HOV lane restrictions.	
	\$500.00 3 <sup>rd</sup> offense within five years from a first offense for driving in violation of HOV lane restrictions.	
	\$1000.00 4 <sup>th</sup> offense within five years from a first offense for driving in violation of HOV lane restrictions.	

### When/How Collected

Assessed upon conviction of defendant.

## Hunting, Trapping & Fishing without A License Fee

### Description

A person convicted of hunting, trapping or fishing without a license where such license is required under [Va. Code § 29.1-335](#) shall pay to the clerk a fee equal to the cost of the required license to be paid to the state treasury and credited to the game protection fund.

**NOTE:** The purchase of a license subsequent to an arrest or notice of summons to appear in court for hunting, trapping, or fishing without a license shall not relieve the person from penalties specified in this section.

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
134	Fee equal to the cost of required license. License Fees can be found below: <a href="https://www.dwr.virginia.gov/fishing/regulations/licenses/">https://www.dwr.virginia.gov/fishing/regulations/licenses/</a>	<a href="#">§ 29.1-335</a>

### When/How Collected

Taxed against and collected from a defendant upon conviction.

## Ignition Interlock System Penalty

### Description

In addition to any penalty provided by law for a conviction under [§ 18.2-51.4](#) or [18.2-266](#) or a substantially similar ordinance of any county, city or town, any court of proper jurisdiction shall, as a condition of a restricted license, prohibit an offender from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for any period of time not to exceed the period of license suspension and restriction, not less than six consecutive months without alcohol-related violations of the interlock requirements. The court shall, for a conviction under [§ 18.2-51.4](#), a second or subsequent offense of [§ 18.2-266](#) or a substantially similar ordinance of any county, city or town, or as a condition of license restoration pursuant to subsection C of [§ 18.2-271.1](#) or [§ 46.2-391](#), require that such a system be installed on each motor vehicle, as defined in [§ 46.2-100](#), owned by or registered to the offender, in whole or in part, for such period of time. Such condition shall be in addition to any purposes for which a restricted license may be issued pursuant to [§ 18.2-271.1](#). The court may order the installation of an ignition interlock system to commence immediately upon conviction. A fee of \$20 to cover court and

administrative costs related to the ignition interlock system shall be paid by any such offender to the clerk of the court.

**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.

#### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113	\$20.00	<a href="#">§ 18.2-270.1 (B)</a>

#### When/How Collected

This fee applies only to misdemeanors and traffic cases. It is charged in addition to the appropriate fixed fees. It is assessed on each conviction where an ignition interlock device is ordered. The fee is charged only one time per case. Taxed and collected from the defendant upon conviction/deferred disposition.

### Internet Crimes against Children Fund

#### Description

In addition to all other statutorily authorized fees, an additional fee of \$15.00 shall be assessed as court costs upon each felony or misdemeanor conviction/deferred dispositions and shall be deposited into the state treasury and credited to the Internet Crimes against Children Fund (**REVENUE CODE 001**).

#### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
001	\$15.00	<a href="#">§ 17.1-275.12</a>

#### When/How Collected

Taxed against and collected from a defendant upon each felony or misdemeanor conviction/deferred dispositions



## Interest on Unpaid Fine and/or Costs

### Description

Interest accrued on the unpaid balance of fines and/or costs imposed in a criminal case or traffic infraction. Whenever interest on any unpaid fine and/or costs accrues, it shall accrue at the judgment rate of interest set forth in [Va. Code § 6.2-302](#).

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
109 (Commonwealth) 242 (city or county) 250, 251, 252, 253, 254, 255, 256, 257 (town)	6% from 7/1/04 to present	<a href="#">§ 6.2-302</a> ; <a href="#">§§ 19.2-305.4</a> ; <a href="#">19.2-353.5</a> ; <a href="#">19.2-354</a>
	9% from 7/1/91 to 6/30/04 (All new account assessments effective 7/1/96 & after)	
	\$4 interest charge per \$50 unpaid for each year or portion thereof unpaid from 7/1/88 to 6/30/96	
	8% From 7/1/87 through 6/30/91	
	12% From 1/1/85 through 6/30/87	
	10% From 7/1/81 through 6/30/83	
	8% From 10/1/77 through 6/30/81	

See also:

- Attorney General Opinion to Davis, dated 3/23/89 (1989, page 194).
- Attorney General Opinion to Marshall, dated 2/14/86 (1985-86, pg. 190).
- 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 forty days have passed since final judgment or the defendant's release from incarceration. Interest does not accrue on unpaid fine and/or cost during a defendant's incarceration on that specific charge or when the court has ordered a deferred payment or when the defendant is making timely court-ordered installment payments. Additionally, a defendant may move any court in which he owes fines and costs imposed in a criminal case to waive any interest that accrued on such fines and costs during any term of incarceration and that such waiver shall be granted upon certification of the person's incarceration by the official in charge of the facility where such person was incarcerated.

The court, when ordering restitution (revenue account code 520) 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 § 6.2-302](#).

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

### Interpreter Fee - for Deaf in Civil Proceedings

#### Description

In any civil proceeding in which a speech-impaired or hearing-impaired person is a party or witness, the court may appoint a qualified interpreter to assist such person in the proceeding. The court shall appoint an interpreter for any speech-impaired or hearing-impaired person who requests this assistance. Interpreters for the deaf in these proceedings shall be procured through the [Virginia Department for the Deaf and Hard of Hearing](#).

#### Fees and Costs Assessed

N/A

### Interpreter Fee - Criminal Cases

#### Description

Fee charged by an interpreter for appearance in court on behalf of non-English speaking or deaf/mute individuals (defendant, victim, witness).

#### Fees and Costs Assessed

Interpreter fees are not assessed in criminal cases. Please refer to the [Chart of Allowances](#) and [Va. Code §§ 19.2-164, 19.2-164.1](#).

### Jail Admission Fee

#### Description

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.

## Fees and Costs Assessed

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.

An amount as determined by each local governing body.

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
234	Not to exceed \$25.00 for any individual.	<a href="#">§ 15.2-1613.1</a> Local Ordinance(s)

## When/How Collected

Taxed against and collected from defendant upon conviction

**Fines and Fees (I-Z)****Liquidated Damages**

## Description

Money assessed when a vehicle (truck) is found to exceed statutory weight limits.

## Fees and Costs Assessed

Pursuant to [Va. Code § 46.2-1131](#), [§§ 46.2-1133](#), and [46.2-1134](#), [46.2-1135](#), [46.2-1138.1](#), liquidated damage amounts are set by statute and ordered by the judge. However, the following fees/costs may be collected in conjunction with a liquidated damages case:

REVENUE CODE	AMOUNT CHARGED/ASSESSED
110 or 201	Fine, if applicable
112	District court fee
113	Weighing costs, if applicable
125	\$2.00 Weighing Fee

## When/How Collected

The [Department of Motor Vehicles](#) or Town will send the court a copy of the Overweight Citation, which indicates the hearing date. The District Court places citation on Civil Docket for appropriate hearing date and indexes the case. No notice or service of process is required since DMV or Town informs the defendant and the charging officer, notifying each of the hearing date. Upon conclusion of the case, the disposition is sent to DMV or Town on Form DC-480, CASE DISPOSITION along with a copy of the citation. **NOTE:** The court does not collect money on the judgment. Refer all payments to DMV or Town.

**Medical Costs for Gathering Evidence**

## Description

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

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113	Varies	<a href="#">§ 19.2-165.1 Chart of Allowances</a>

**NOTE:** The Commonwealth Attorney submits invoice with appropriate supporting documentation to the Supreme Court of Virginia for payment.

## When/How Collected

Upon conviction of the defendant in any such case, the court shall order that the defendant is to reimburse the Commonwealth for payment of such medical fees. It is necessary for the Commonwealth Attorney to advise the court of such fees certified for payment to the Supreme Court of Virginia (documentation to be placed with defendant's file). For multiple defendants, the Commonwealth Attorney should submit a separate form showing the amount to be prorated to each defendant.

**Methamphetamine Lab Clean-Up Costs (Commonwealth)**

## Description

Provides that if property owned by a person convicted of manufacture of methamphetamine is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine manufacture, the court shall order the person to pay the reasonable estimated or actual expenses associated with clean-up, removal, or repair of the affected property or, if actual or estimated expenses cannot be determined, the sum of \$10,000, to the methamphetamine clean-up fund.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
151	Varies	<a href="#">§ 18.2-248</a> , <a href="#">§ 18.2-248.04</a>

## When/How Collected

If recovered from defendant, receipt under revenue code 151.

**Methamphetamine Lab Clean-Up Costs (Local)**

## Description

Allows locality to provide by ordinance that any person convicted for manufacture of methamphetamine shall be liable to the locality or other law-enforcement entity for the expense in cleaning up any methamphetamine lab related to the conviction.

## Fees and Costs Assessed

Use the applicable local revenue cost code. See [§ 15.2-1716.2](#).

## When/How Collected

Law allows for assessment in criminal or by separate civil action. Assess as restitution under applicable local revenue cost code.

## Motorboat and Water Safety Fund

### Description

Any person who violates any provision of this section or any regulation promulgated hereunder shall be subject to a civil penalty of \$100. All civil penalties assessed under this section shall be deposited in the Motorboat and Water Safety Fund of the Game Protection Fund and used as provided for in § [29.1-701](#).

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
030	\$100.00	<a href="#">§ 29.1-735.2</a>

### When/How Collected

Taxed against and collected from a defendant upon each conviction of this section. Assess misdemeanor court costs excluding **REVENUE CODE 001**, Internet Crimes against Children Fund.

## Possession of Marijuana – Civil

### Description

Any person who violates this section is subject to a civil penalty of no more than \$25. A violation of this section is a civil offense.

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
107	\$25.00	§ 4.1-1100(B) § 46.2-341.20:7

### When/How Collected

Taxed and collected from a defendant upon each conviction of this section. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02.

No court costs shall be assessed for violations of this section.

## Prepayable Traffic Infractions

### Description

A schedule of Commonwealth and Local traffic infractions designated by the Supreme Court as pre-payable, and which includes the amount of fine and costs necessary to prepay without court appearance (Rules of Court). This schedule shall be uniform in its application throughout the Commonwealth. As per [Va. Code § 16.1-69.40:1 \(A\)](#), such designated infractions shall include violations of [Va. Code §§ 46.2-878.2](#) and [46.2-1242](#) or any parallel local ordinances. A person charged with a traffic offense that is listed as pre-payable in the Uniform Fine Schedule may prepay his fines and costs without court appearance whether or not he was involved in an accident. Offenses that are not pre-payable shall include:

- Indictable offenses
- DUI cases
- Reckless driving
- Leaving the scene of an accident
- Driving with suspended or revoked license
- Driving without being licensed to drive

Fines imposed under local traffic infraction ordinances that do not parallel provisions of state law and fulfill the criteria set out in [Va. Code § 16.1-69.40:1 \(A\)](#) may be pre-payable if such ordinances appear in a schedule entered by order of the Circuit Court. The judges of each Circuit may establish a schedule of the fines, within the limits prescribed by local ordinances, to be imposed for pre-payment of local ordinances designating each offense specifically. Upon entry of such order, the Circuit Court shall forward it within ten days to the Supreme Court of Virginia and shall be applied in a uniform manner throughout the circuit.

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
Varies	Fine as set forth in the Uniform Fine Schedule plus all assessable costs.	<a href="#">§§ 16.1-69.40:1, 46.2-1300</a> Uniform Fine Schedule - Prepayable Traffic Offenses <i>GENERAL DISTRICT COURT MANUAL, "Fees and Prepayments"</i>

**NOTE:** The schedule is applied uniformly throughout the Commonwealth. A clerk or magistrate may not impose a fine and cost different from the amounts shown on the schedule. The schedule does not restrict the fine a judge may impose for an offense listed on the schedule in any case for which there is a court hearing

#### When/How Collected

An appearance may be made in person, by making a VIPNET payment over the internet, or in writing by mail to a clerk of court or in person before a magistrate, prior to any date fixed for trial in court. Any person so appearing may enter a waiver of trial and a plea of guilty and pay the fine and costs established for the offense charged. He shall be informed prior to plea and payment of his right to stand trial, that his signature to a plea of guilty will have the same force and effect as judgment of court, and that the record of conviction will be sent to the Commissioner of the [Department of Motor Vehicles](#) or the appropriate offices of the State where he received his license to drive.

#### Photocopying Fees

##### Description

A fee charged by the District Court for making a copy of any paper of record.

##### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113	\$1.00 each maximum for first 2 pages \$.50 each maximum for each additional page	<a href="#">§ 16.1-69.48:2</a>

#### When/How Collected

Fee is charged upon making copy of any paper of record, to go out of the clerk's office, to anyone who is not a participant in the case. **NOTE:** Do not charge for providing copies requested by State Police or other law-enforcement officers as part of an active criminal investigation, any attorney of record, Commonwealth's Attorney's office, probation officers and other like officers of the court.



## Psychological Evaluation Fee Assessment

### Description

A fee charged for a psychological evaluation to be assessed back to the defendant upon conviction or upon certification to circuit court.

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113	In any case in which a psychological evaluation is ordered and such person is convicted or such case is certified to the circuit court, such fee shall be taxed against the person as part of the costs of prosecution and, if collected, shall be paid to the Commonwealth.	<a href="#">§§ 19.2-175, 19.2-336</a>

### When/How Collected

Fee is taxed to the defendant as part of costs upon conviction or upon certification to the circuit court.

## Public Defender Costs

### Description

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

### Fees and Costs Assessed

In any case in which a public defender represents an indigent person charged with an offense and such person is convicted, such sum as would have been allowed a court appointed attorney as compensation and as reasonable expenses shall be taxed against the person defended upon conviction as part of the costs of prosecution and, if collected, shall be paid to the Commonwealth.

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
120 (State) 217/261 (Local)	See <i>COURT APPOINTED COUNSEL GUIDELINES &amp; PROCEDURES MANUAL</i> published yearly by the Office of the Executive Secretary.	<a href="#">§ 19.2-163.4:1</a> <a href="#">COURT APPOINTED COUNSEL GUIDELINES &amp; PROCEDURES MANUAL</a>

### 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 for court approval a DC-52, [PUBLIC DEFENDER TIMESHEET](#) preferably at the time of sentencing. The DC-52 is then placed and 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 court should then follow one of the following sets of procedures:

If the Public Defender is used to defend a local violation, the clerk bills the locality for the public defender costs. The locality remits payment to the court, which receipts the payment under the Commonwealth revenue code 120. If the defendant is convicted and makes payment on these costs, the clerk receipts the defendant's payment under revenue code 217.

If it is a state violation that the Public Defender is used to defend, any payments made by the defendant would be receipted under revenue code 120 and transmitted to the State Treasurer.

### Refund of Bond Forfeitures

#### Description

If a defendant or juvenile appears in the court within sixty days after a bond is forfeited, the Judge may remit part or all of any bond previously forfeited and order a refund by the local treasurer where funds forfeited.

If good cause is shown, the court may order a refund of part or all of a cash bond not ultimately applied to fines and costs if a rehearing is granted.

If the court learns that the defendant or juvenile is incarcerated in another state or county within forty-eight months of the finding of default, thereby preventing his delivery or appearance within that period, the court shall remit any bond previously ordered forfeited.

#### Fees and Costs Assessed

REFUND PROCEDURE	REFERENCE(S)
<p><b>Prepare court order, which should include the following:</b></p> <ul style="list-style-type: none"> <li>- State facts regarding conviction, circumstances requiring refund (subsequent rehearing, dismissal, appeal, etc.). State that the bond/fine of \$_____ and costs of \$_____ were paid to the local treasurer where funds were forfeited.</li> <li>- The order should order the clerk of court to initiate action to refund bond/fine and costs to "name and address" of defendant.</li> <li>- Order the local treasurer to remit refund directly to defendant.</li> </ul> <p><b>If the bond was forfeited to a locality send the following information to the appropriate local treasurer:</b></p> <ul style="list-style-type: none"> <li>- Copy of court order</li> <li>- Copy of FAS journal voucher recording the forfeiture</li> <li>- Copy of the bond receipt</li> <li>- Cover letter with court contact person indicated</li> </ul> <p><b>File copies of all the above with defendant's case papers.</b></p>	<p style="text-align: center;"><a href="#">§ 19.2-143</a></p>

### Reimbursement of Expenses by Locality Incurred in Responding to Traffic Incidents by Law Enforcement, Volunteer Fire Department, Rescue Squad, etc.

#### Description

A locality may provide, by ordinance, that a person convicted of DUI or other specified traffic statutes ([Va. Code §§ 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, §§ 46.2-852](#) et seq., [46.2-300](#) et seq., and [46.2-894](#)) shall be liable for restitution at the time of sentencing to the locality or responding law enforcement or volunteer fire or rescue squad when providing an appropriate emergency response to any accident or incident related to such violation.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
520 Restitution	Up to \$1000 per incident for reimbursement of reasonable expenses incurred. Agency or locality can bill per minute or submit a bill for a flat fee of \$350.00 - bill should be presented at time of trial.	<a href="#">§ 15.2-1716</a>

**NOTE:** Agency or locality may also sue in a separate civil action for such reasonable expenses incurred.

## When/How Collected

If assessed to defendant at time of trial, receipt as restitution under revenue account code 520 and pay to the appropriate locality/agency.

**Restitution**

## Description

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](#).

If the Criminal Injury Compensation Fund has made payment on behalf of the victim for any loss, damage, or expenses included in the restitution order, then upon written notification to the court restitution payments shall be disbursed to CICF first until paid in full. CICF should be added as a recipient for the amount requested and the victim's account shall be adjusted appropriately. If any portion of the restitution amount requested by CICF has been previously paid to the victim, notify CICF of the available awarded amount.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
520 (Restitution)	Determined by judge	<a href="#">§ 6.2-302</a>
441 (Restitution Interest)		<a href="#">§§ 19.2-305.1,</a> <a href="#">19.2-305.2</a>

**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.

**Safety Lap Belts and Shoulder Harness**

## Description

Occupants of front seats of motor vehicles at least eighteen years of age are required to use safety lap belts & shoulder harnesses while vehicle is in motion on any public highway. Any driver transporting a child at least four years of age but less than eighteen years of age in the front seat of the motor vehicle shall cause such child to wear the appropriate safety belt system.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
110	\$25.00 - Any person who violates this section shall be subject to a civil penalty of \$25.00 to be paid into the state treasury and credited to the Literary Fund (revenue code 110). No assignment of points shall be made and no court costs shall be assessed for violations of this section.	<a href="#">§ 46.2-1094</a>

**NOTE:** The governing body of the City of Lynchburg may adopt an ordinance not inconsistent with the provisions of this section requiring the use of safety belt systems. The penalty shall not exceed a fine or civil penalty of \$25.00 (if **REVENUE CODE** 237 is not appropriate for the collecting locality, use **REVENUE CODE** for local fines).

## When/How Collected

Taxed against defendant upon conviction.

**Smoke with Minor in Vehicle**

## Description

Any person who smokes in a motor vehicle, whether in motion or at rest, when a minor under the age of fifteen is in the motor vehicle is subject to a civil penalty of \$100.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
110	\$100.00 - Any person who violates this section shall be subject to a civil penalty of \$100.00 to be paid into the state treasury and credited to the Literary Fund (revenue code 110). No assignment of points shall be made and no court costs shall be assessed for violations of this section.	<a href="#">§ 46.2-112.1</a>

## When/How Collected

Taxed against defendant upon conviction.

**Sentencing (Supervision) Fee**

## Description

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.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113	Fee is included in the District Court Fixed Misdemeanor Fees.	<a href="#">§ 53.1-150</a> <a href="#">§ 16.1-69.48:1</a>

## When/How Collected

Assessed to and collected from defendant upon conviction

## Time to Pay (TTP) Deferred/Installment Agreements

### Description

If a defendant is unable to pay a fine, restitution, forfeiture, penalty and costs owed within ninety days of sentencing, the court shall order the defendant to pay monies owed in deferred payments or installments.

If such sum is not paid in full by the date ordered, the court shall proceed in accordance with [Va. Code §19.2-358](#). The clerk shall give notice to the defendant that upon failure to pay as ordered, he may be fined or imprisoned pursuant to [Va. Code § 19.2-358](#). The failure of the defendant to enter into a deferred payment or installment payment agreement with the court or the failure of the defendant to make payments as ordered by the agreement shall allow the [Department of Taxation](#) to act in accordance with [Va. Code § 19.2-349](#) to collect monies owed.

The court shall establish a program and may provide an option for the defendant to discharge some or all of the fine and costs owed by earning credits for the performance of community service work (i) before or after imprisonment or (ii) in accordance with the provisions of §§ 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 during imprisonment. The program shall specify the rate at which credits are earned and provide for the manner of applying earned credits against the fine and costs. The court assessing the fine or cost against a person shall inform such person of the availability of earning credit toward discharge of the fine or costs through the performance of community service work under this program and provide such person with written notice of terms and conditions of this program.

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
137	\$10.00 fee charged for each payment plan - a payment plan may include multiple charges.	<a href="#">§ 19.2-349</a> , <a href="#">19.2-354</a> , <a href="#">19.2-358</a>

### When/How Collected

If the defendant is unable to make payment within ninety days of sentencing or deferred disposition cases where costs are owed, the court may assess a one-time fee not to exceed \$10.00 to cover the costs of management of the defendant's account. The defendant must execute a

DC-210, ACKNOWLEDGEMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE.

**NOTE:** Do not re-assess a Time-To-Pay Fee if a new TTP agreement is created to replace a previously issued TTP agreement.

Only one \$10 TTP fee should be assessed for an accounts receivable when a deferred or installment agreement is established. If any of the debts incorporated into one DC-210 agreement previously had a \$10 TTP fee assessed, then there should not be an additional TTP fee assessed on the new agreement (reference the previous assessment).

Applies to all juveniles:

- If charge brought on petition and time to pay fine is requested.
- If charge brought by uniform summons and time to pay fine and/or costs is requested.
- The time to pay fee does not apply to GAL Assessment Order, court-appointed attorney assessed to parents, and paternity testing cost.
- Do not collect time to pay fee if payment is made within ninety days of sentencing.

Assess per signed Deferred/Partial Payment Agreement exceeding ninety-day Due Date (except in GAL assessment vs. parents/ guardian).

Batch multiple cases on same agreement date on one agreement to pay form. Photocopy the agreement and place copy with each case paper included in the agreement. If the defendant requests more than ninety days from the date of sentencing in which to make payment, complete the Acknowledgement of Suspension portion of form DC-210.

## **Toll Roads Penalties - Failure to Pay Toll**

### Description

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. For violations on any toll road, there is a cap of \$2,200 on civil penalties and administrative fees for a first conviction.

### Fees and Costs Assessed

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.



REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
161 For V-DOT cases charged under § 46.2-819.1	\$50.00 1 <sup>st</sup> offense	
194 For V-DOT cases charged under § 46.2-819.3	\$100.00 2 <sup>nd</sup> offense within one year from the first offense	
295 For Privately Operated Toll Facilities	\$250.00 3 <sup>rd</sup> offense within two years from the second offense	<a href="#">§ 46.2-819.1</a> <a href="#">§ 46.2-819.3</a>
257 Interest assessed on cases for Privately Operated Toll Facilities	\$500.00 4 <sup>th</sup> and any subsequent offense within three years from the second offense	

When/How Collected

Assessed and collected upon conviction if the matter proceeds to court.

**NOTE:** Privately operated toll revenue accounts 257 and 295 are disbursed to the appropriate toll facility operator.

Transportation Trust Fund

Description

Civil penalty not to exceed \$2,750 to be collected in Transportation Trust Fund (164) for violations of texting while operating a commercial motor vehicle ([§ 46.2-341.20:5](#)) and for violations of require/allow use of wireless device while operating a commercial motor vehicle ([§ 46.2-341.20:6](#)).

Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
164	Civil penalty not to exceed \$2750 for violations of <a href="#">§ 46.2-341.20:5</a> Civil penalty not to exceed \$11,000 for violations of <a href="#">§ 46.2-341.20:6</a>	<a href="#">§ 46.2-341.20:5</a> , <a href="#">46.2-341.20:6</a>

When/How Collected

Assessed to and collected from defendant upon conviction. Infraction court costs are assessed.

## Trauma Center Fund

### Description

There is hereby established in the state treasury a special non-reverting fund to be known as the Trauma Center Fund. The Fund shall consist of any moneys paid into it by virtue of operation of subsection A hereof and any moneys appropriated thereto by the General Assembly and designated for the Fund.

The [Department of Health](#) shall award and administer grants from the Trauma Center Fund to appropriate trauma centers based on the cost to provide emergency medical care to victims of automobile accidents. The [Department of Health](#) shall develop, on or before October 1, 2004, written criteria for the awarding of such grants that shall be evaluated and, if necessary, revised on an annual basis

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
192	\$50.00	<a href="#">§ 18.2-270.01(A)</a>

### When/How Collected

The court shall order any person convicted of a violation of one of the following code sections- [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 of one or more of any of those sections or any ordinance, any law of another state, or any law of the United States substantially similar to the provisions of those sections within ten years of the date of the current offense to pay \$50.00 to the Trauma Center Fund.

## Trial in Absence (TIA) Fee

### Description

An add-on fee taxed as costs whenever a defendant fails to appear.

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
121	\$35.00	<a href="#">§ 16.1-69.48:1(A)</a>

**NOTE:** No defendant with multiple charges arising from a single incident shall be taxed the fee in this section more than once for a single appearance or trial in absence related to that incident. A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

#### When/How Collected

Assess and collect against defendant who fails to appear in court. Fee is not applicable if payment is made before court date or if the defendant requests a trial in absence in writing or if the defendant, after a hearing, shows good cause for failing to appear.

### Virginia Health Care Fund

#### Description

A civil penalty assessed for a violation of the Clean Air Act.

#### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
108	\$25.00	<a href="#">§ 15.2-2826</a>

#### When/How Collected

Civil penalty is assessed under account code 108 (Virginia Health Care Fund) for convictions of the Clean Air Act. No court costs are assessed.

### Virginia Crime Victim Witness Fund (CVWF)

#### Description

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](#).

#### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
140	Fee amount is included in District Court fixed fees as per <a href="#">Va. Code § 16.1-69.48:1</a> .	<a href="#">§ 16.1-69.48:1</a> <a href="#">§§ 19.2-11.1,</a> <a href="#">19.2-11.3</a>

#### When/How Collected

The fee is charged as part of the fixed fees assessed upon conviction or upon statutorily authorized complied with law or deferred disposition.

## Virginia Prevention of Sex Trafficking Fund

### Description

Fee assessed to promote the awareness of and preventive training and education relating to Sex Trafficking.

### Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
002	\$100 (misdemeanor) \$500 (felony)	§ 16.1-69.48:1.6 <a href="#">§ 17.1-275.13</a>

### When/How Collected

Any person convicted/deferred of a misdemeanor violation of [18.2-346.01](#) or of § [18.2-348](#) or [18.2-349](#) shall be ordered to pay a \$100 fee, and any person convicted of a violation of clause (ii), (iii), or (iv) of § [18.2-48](#), or of § [18.2-368](#), or any felony violation of the laws pertaining to commercial sex trafficking or prostitution offenses pursuant to Article 3 (§ [18.2-344](#) et seq.) of Chapter 8, with the exception of § [18.2-361](#), shall be ordered to pay a \$500 fee.

All fees collected pursuant to this section shall be deposited into the Virginia Prevention of Sex Trafficking Fund to be used in accordance with § [9.1-116.4](#).

## Weighing Costs

### Description

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

### Fees and Costs Assessed

See also "Liquidated Damages" & "Weighing Costs"

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113	Expenses incurred	<a href="#">§ 46.2-1137</a>

## When/How Collected

Expenses incurred in having the vehicle weighed may be taxed as costs to be imposed upon the operator who failed or unreasonably refused to drive his vehicle to such weighing area, when he has been convicted of such failure or refusal and an overweight violation.

**Weighing Fee**

## Description

Fee assessed when the driver of a vehicle is convicted, forfeits bail or purchases an increased license as a result of being weighed and found to be driving an overweight vehicle.

## Fees and Costs Assessed

See also "Liquidated Damages" & "Weighing Costs"

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
125	\$2.00	<a href="#">§ 46.2-1137</a>

## When/How Collected

If the driver of an overloaded vehicle is convicted, forfeits bail or purchases an increased license as a result of being weighed and found to be driving an overweight vehicle, the court in addition to all other penalties shall assess and collect a weighing fee of \$2.00 from the owner or operator of the vehicle and shall forward such fee to the State Treasurer.

**Witness Fees**

## Description

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

## Fees and Costs Assessed

All witnesses summoned for the Commonwealth shall be entitled to receive for each day's attendance all necessary ferrriage and tolls, and such reimbursement for his daily mileage as prescribed in [Va. Code § 2.2-2823](#). Court submits for DC-40, LIST OF ALLOWANCES for witness fees to Commonwealth or if local case to local treasurer.

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113 (Commonwealth) 237 (Local)	Assess as costs upon conviction or upon deferred disposition as authorized by <a href="#">§ 16.1-69.48:1</a>	<a href="#">§§ 2.2-2823, 2.2-2825, § 17.1-611</a> <a href="#">§§ 19.2-329</a> through 19.2-335 <a href="#">CHART OF ALLOWANCES</a> Attorney General Opinion to Bickers, dated 8/16/78 (1978-79, pg 333)

## When/How Collected

If recovered from defendant, receipt under revenue code 113 for state and revenue code 237 for locality.

**Witness Fees - Testimony Certificate of Analysis**

## Description

Fee assessed upon conviction if accused demands at hearing or at trial the presence of the person (or designee) who performed the analysis as detailed in the Certificate of Analysis.

## Fees and Costs Assessed

REVENUE CODE	AMOUNT CHARGED/ASSESSED	REFERENCE(S)
113	\$50.00	<a href="#">§ 19.2-187.1</a>

## When/How Collected

Assessed upon conviction if accused demands at hearing or at trial the presence of the person who performed analysis noted on the Certificate of Analysis.