

VIRGINIA
IN THE CIRCUIT COURT OF ROCKBRIDGE COUNTY

IN RE: INSTALLMENT/DEFERRED PAYMENT AGREEMENT GUIDELINES AND
PROCEDURES FOR COLLECTION OF FINES, COURT COSTS, AND RESTITUTION

Pursuant to the provisions of § 19.2-354(A)&(B) of the 1950 Code of Virginia, as amended, and Supreme Court Rule 1:24:

A. The following are the guidelines for payment of fines and court costs in all cases assessed by this Court against the defendant, effective July 1, 2021:

- 1) The Clerk will mail to the defendant, in a timely manner following the defendant's trial and sentencing hearing, Form DC-225 "Notice To Pay"
- 2) If the defendant is unable to pay the fines and costs in full within 90 days of conviction (or other disposition of the case authorized by law), or if the defendant is incarcerated, within 180 days after the defendant's release from incarceration, the defendant must elect one of the following plans:
 - a) to pay the assessments in periodic payments (an Installment Payment Agreement); or
 - b) to pay in full by a date certain, either as a lump sum or in conjunction with the defendant's best efforts to make periodic payments (a Deferred Payment Agreement); or
 - c) if eligible, to pay by earning credits for the performance of community service work. The amount of credit for such community service work shall be calculated by multiplying the number of hours of community service work times the current federal hourly minimum wage rate. The Court shall determine if the defendant is eligible for community service work in lieu of payment of court costs and the type of work must be approved by the Court, the defendant's probation officer, or Blue Ridge Court Services before performing said community service.

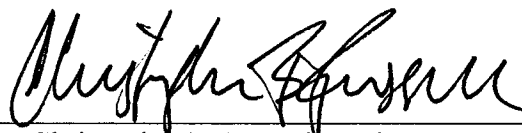
If a defendant fails both (a) to pay the fines and court costs in full and (b) to set up an Installment Payment Agreement, a Deferred Payment Agreement, or to perform court-ordered community service during the prescribed period, a collection fee of 17% of the balance owed will be assessed. Delinquencies over 180 days will be subject to state and local interest. However, interest will not accrue while a defendant is incarcerated.

- 3) The periodic payment for an Installment Payment Agreement will be determined by taking into account the defendant's financial resources and obligations and any costs which the defendant owes in other courts.

- 4) The time for satisfying payment of costs under a Deferred Payment Agreement will be determined by taking into account the defendant's financial resources and obligations and any costs which the defendant owes in other courts.
- 5) Prior to participating in a community service work option, the defendant must demonstrate a financial need and inability to pay through either an Installment Payment Agreement or a Deferred Payment Agreement.
- 6) The Payment Agreement may incorporate all fines and costs owed for all cases in the Rockbridge County Circuit Court.
- 7) If a defendant fails to make the required monthly payments of an Installment Payment Agreement or fails to satisfy the costs through a Deferred Payment Agreement within 10 days of the due date of the installment payment or the lump sum, the defendant shall be in default and collection fee of 17% will be assessed on the outstanding balances owed to this Court. Upon request of the defendant in default, the Clerk may authorize a new payment plan on the condition the defendant makes a down payment of (i) ten percent (10%), if the fines and costs owed are \$500.00 or less, or (ii) if the fines and costs owed are more than \$500.00, five percent (5%) or \$50.00, whichever is greater.
- 8) If a defendant requests modification of an existing payment agreement, that request must be in writing on a form provided for that purpose and available in the Clerk's Office. The Court may grant such modification based on a good faith showing of need.
- 9) When a defendant defaults in the payment of an Installment Payment Agreement or a Deferred Payment Agreement, the Court, upon motion of the Commonwealth or upon its own motion, may require the defendant to show cause why he or she should not be confined in jail or fined for nonpayment.
- 10) When a defendant fails to either pay fines and costs in full or to enter into an Installment Payment Agreement or a Deferred Payment Agreement, and when a defendant defaults in the payment of an Installment Payment Agreement or a Deferred Payment Agreement, the Tax Commissioner may act in accordance with §19.2-349 to collect all fines, costs, forfeitures, and penalties.
- 11) While the defendant is in default in the payment of an Installment Payment Agreement or a Deferred Payment Agreement, the Department of Taxation may institute collection proceedings through garnishments, tax set offs, and other measures available to the Department.
- 12) Interest through the Supreme Court Financial Accounting System will accrue on balances when there is a default in payment.

B. The following are the guidelines for payment of restitution in all cases assessed by this Court.

- 1) The Commonwealth Attorney's Office shall provide to the Court during trial, on a form prescribed by the Supreme Court of Virginia, the amount of restitution owed and the name(s) and address(es) of the victim(s), which form shall be signed by the defendant prior to imposition of sentence. Restitution shall be paid directly to the Clerk's Office of this Court. Payments received pursuant to an Installment Payment Agreement or a Deferred Payment Agreement shall be applied to restitution before they are applied to fines and costs. No interest is accrued on restitution unless ordered by the Court.
- 2) The defendant may pay restitution obligations as provided in ¶A(2)(a) and (b), but the defendant may not satisfy a restitution obligation by the performance of community service.
- 3) When a defendant defaults in the payment of restitution on an Installment Payment Agreement or a Deferred Payment Agreement, the Court may take action as described in ¶A(9).



Christopher B. Russell, Judge

ENTERED: July 1, 2021