

VIRGINIA:

IN THE CIRCUIT COURT FOR THE 31ST JUDICIAL CIRCUIT

ORDER FOR PAYMENT PLANS FOR UNPAID FINES AND COSTS

It is hereby **ORDERED** that the Clerk of the Circuit Court is authorized to establish deferred payment plans, modified deferred payment plans, and installment payment plans for unpaid fines and costs, pursuant to the mandate of Virginia Code § 19.2-354.1 without the defendant being required to appear before a judge to request same, and without requiring further authorization from a judge, within the parameters stated below. This Order supersedes prior Orders on the same subject.

1. A defendant who is unable to pay in full the fines and costs within 30 days of sentencing shall be permitted the opportunity to enter into a deferred payment agreement, modified deferred payment agreement or installment payment agreement.

2. A defendant shall not be denied the opportunity to enter into a deferred, modified deferred or installment payment agreement solely (i) because of the category of offense for which the defendant was convicted or found not innocent, (ii) because of the total amount of all fines and costs, (iii) because the defendant previously defaulted under the terms of a payment agreement, (iv) because the fines and costs have been referred for collections pursuant to § 19.2-349, (v) because the defendant has not established a payment history, or (vi) because the defendant is eligible for a restricted license under subsection E of § 46.2-395.

3. In determining the length of time to pay under a deferred, modified deferred or installment payment agreement and the amount of the periodic payments, the Clerk shall consider the defendant's financial resources and obligations, including any fines and costs owed in other jurisdictions. To that end, the Clerk shall use a financial statement developed by the

Executive Secretary of the Supreme Court (Form DC-211, attached) which shall be completed by the defendant under oath. After taking into account the foregoing, the Clerk may, in her discretion, establish the minimum periodic payments that a defendant shall be required to make under an installment payment agreement.

4. The Clerk may require a down payment as a condition of entering into deferred, modified deferred or installment payment agreement to demonstrate the defendant's commitment to paying the fines and costs. The required down payment may not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount, or (ii) if the fines and costs are more than \$500, five percent of such amount of \$50, whichever is greater.

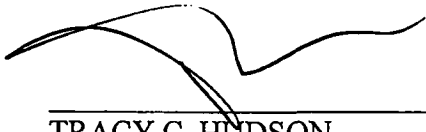
5. Any payment received within 10 days of its due date shall be considered timely made.

6. At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing by submitting a new Form DC-211, and the Clerk may grant such modification based on a good faith showing of need.


7. The Clerk shall consider a request to enter into a subsequent payment agreement. In determining whether to approve such a request, the Clerk shall consider any change in the defendant's circumstances and shall require a down payment in the amount specified in paragraph 4, above.

8. Any request for a modification of payments owed, in whole or in part, for restitution shall be determined by a judge.

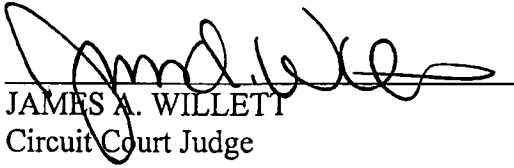
ENTERED this 7th day of May, 2019.



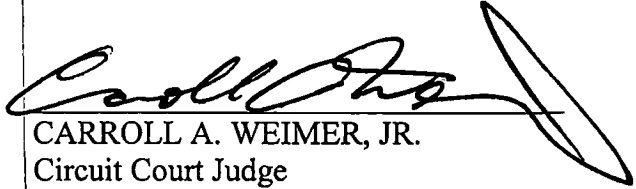
TRACY C. HUDSON
Chief Judge



STEVEN S. SMITH
Circuit Court Judge



JAMES A. WILLET
Circuit Court Judge



CARROLL A. WEIMER, JR.
Circuit Court Judge



KIMBERLY A. IRVING
Circuit Court Judge