

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** HB857 H1

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Hernandez

3. **Committee:** Appropriations

4. **Title:** Fines and costs; period of limitations on collection.

5. **Summary:** Under current law, when any statute or ordinance prescribes a monetary penalty unless it is otherwise expressly provided or would be inconsistent with the manifest intention of the General Assembly, it must be paid to the Commonwealth if prescribed by a statute and paid to the locality if prescribed by an ordinance and recoverable by warrant, presentment, indictment, or information. Penalties other than fines imposed and costs taxed in any such proceeding shall constitute a judgment and, if not paid at the time they are imposed, execution may issue thereon in the same manner as upon any other monetary judgment. No such proceeding of any nature, however, can be brought or had for the recovery of such a penalty or costs due the Commonwealth or any political subdivision thereof, unless within 60 years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court or within 30 years if imposed by a general district court.

This bill changes the period of limitations for the collection of penalties and costs to within 10 years from the date of the judgment whether imposed by a circuit court or general district court. The bill provides that upon the expiration of the period of limitations, the fines imposed, and costs taxed are extinguished, there is no right to collect the debt, and the period of limitations cannot be extended.

The bill also provides that for any defendant sentenced to an active term of incarceration and ordered to pay any fine, cost, forfeiture, or penalty related to the charge that such defendant is incarcerated for, or any other charge for which such defendant was sentenced on the same day, the court shall enter such defendant into a deferred payment agreement, as defined in § 19.2-354.1, for such fines, costs, forfeitures, or penalties. The due date for such deferred payment agreement can be set no earlier than the defendant's scheduled release from incarceration on the charge for which such defendant received the longest period of active incarceration. Notwithstanding any other provisions of law, the period of limitations provided by § 19.2-341 for payment of such fines, costs, forfeitures, or penalties must start to run on the due date for such deferred payment agreement.

6. **Budget Amendment Necessary:** See Item 8 below.

7. **Fiscal Impact Estimates:** Preliminary. See Item 8 below.

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court (OES), accounting systems utilized to process the collection of fines and costs for criminal/traffic offenses do not retain information for the associated underlying violation beyond 120 days after the owed amount was paid in full. Therefore, there is no viable method for calculating the total amounts that have been received in payment for cases that fall within the parameters of the proposal.

The OES reports that this bill would require updates accounting systems to modify the timeframe before which a case is marked as being in default and to mark the due date according to the defendant's release date on the longest period of incarceration. The estimated one-time cost for the system enhancements is \$74,000. It is expected that this cost could be absorbed within current resources.

The impact this bill may have on revenues collected by the state and localities is not known at this time. If additional information is received, this impact statement will be revised.

9. Specific Agency or Political Subdivisions Affected: Courts, general fund, local governments

10. Technical Amendment Necessary: No

11. Other Comments: This bill is similar to SB514 S1.