

HOUSE BILL NO. 1264

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Shin)

A BILL to amend and reenact §§ 16.1-278.8, 16.1-278.10, 17.1-275.5, 19.2-159, 19.2-163, 19.2-163.4:1, and 46.2-808.2 of the Code of Virginia, relating to discretionary juvenile fines, costs, and fees; traffic infractions.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-278.8, 16.1-278.10, 17.1-275.5, 19.2-159, 19.2-163, 19.2-163.4:1, and 46.2-808.2 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-278.8. Delinquent juveniles.

A. If a juvenile is found to be delinquent, except where such finding involves a refusal to take a breath test in violation of § 18.2-268.2 or a similar ordinance, the juvenile court or the circuit court may make any of the following orders of disposition for his supervision, care and rehabilitation:

- 1. Enter an order pursuant to the provisions of § 16.1-278;
- 2. Permit the juvenile to remain with his parent, subject to such conditions and limitations as the court may order with respect to the juvenile and his parent;
- 3. Order the parent of a juvenile living with him to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the juvenile and his parent;
- 4. Defer disposition for a specific period of time established by the court with due regard for the gravity of the offense and the juvenile's history, after which time the charge may be dismissed by the judge if the juvenile exhibits good behavior during the period for which disposition is deferred;
- 5. Without entering a judgment of guilty and with the consent of the juvenile and his attorney, defer disposition of the delinquency charge for a specific period of time established by the court with due

27 regard for the gravity of the offense and the juvenile's history, and place the juvenile on probation under
28 such conditions and limitations as the court may prescribe. Upon fulfillment of the terms and conditions,
29 the court shall discharge the juvenile and dismiss the proceedings against him. Discharge and dismissal
30 under these provisions shall be without adjudication of guilt;

31 6. Order the parent of a juvenile with whom the juvenile does not reside to participate in such
32 programs, cooperate in such treatment or be subject to such conditions and limitations as the court may
33 order and as are designed for the rehabilitation of the juvenile where the court determines this participation
34 to be in the best interest of the juvenile and other parties concerned and where the court determines it
35 reasonable to expect the parent to be able to comply with such order;

36 7. Place the juvenile on probation under such conditions and limitations as the court may prescribe;

37 7a. Place the juvenile on probation and order treatment for the abuse or dependence on alcohol or
38 drugs in a program licensed by the Department of Behavioral Health and Developmental Services for the
39 treatment of juveniles for substance abuse provided that (i) the juvenile has received a substance abuse
40 screening and assessment pursuant to § 16.1-273 and that such assessment reasonably indicates that the
41 commission of the offense was motivated by, or closely related to, the habitual use of alcohol or drugs
42 and indicates that the juvenile is in need of treatment for this condition; (ii) the juvenile has not previously
43 been and is not currently being adjudicated for a violent juvenile felony; and (iii) such facility is available.
44 Upon the juvenile's withdrawal, removal, or refusal to comply with the conditions of participation in the
45 program, he shall be brought before the court for a hearing at which the court may impose any other
46 disposition authorized by this section. The court shall review such placements at 30-day intervals;

47 8. Impose a fine not to exceed \$500 upon such juvenile;

48 9. Suspend the motor vehicle and driver's license of such juvenile or impose a curfew on the
49 juvenile as to the hours during which he may operate a motor vehicle. Any juvenile whose driver's license
50 is suspended may be referred for an assessment and subsequent referral to appropriate services, upon such
51 terms and conditions as the court may order. The court, in its discretion and upon a demonstration of
52 hardship, may authorize the use of a restricted permit to operate a motor vehicle by any juvenile who
53 enters such program for any of the purposes set forth in subsection E of § 18.2-271.1 or for travel to and

54 from school. The restricted permit shall be issued in accordance with the provisions of such subsection.
55 However, only an abstract of the court order that identifies the juvenile and the conditions under which
56 the restricted license is to be issued shall be sent to the Department of Motor Vehicles.

57 If a curfew is imposed, the juvenile shall surrender his driver's license, which shall be held in the
58 physical custody of the court during any period of curfew restriction. The court shall send an abstract of
59 any order issued under the provisions of this section to the Department of Motor Vehicles, which shall
60 preserve a record thereof. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of this chapter
61 or the provisions of Title 46.2, this record shall be available only to all law-enforcement officers, attorneys
62 for the Commonwealth and courts. A copy of the court order, upon which shall be noted all curfew
63 restrictions, shall be provided to the juvenile and shall contain such information regarding the juvenile as
64 is reasonably necessary to identify him. The juvenile may operate a motor vehicle under the court order
65 in accordance with its terms.

66 Any juvenile who operates a motor vehicle in violation of any restrictions imposed pursuant to this
67 section is guilty of a violation of § 46.2-301.

68 The Department of Motor Vehicles shall refuse to issue a driver's license to any juvenile denied a
69 driver's license until such time as is stipulated in the court order or until notification by the court of
70 withdrawal of the order imposing the curfew;

71 10. Require the juvenile to make restitution or reparation to the aggrieved party or parties for actual
72 damages or loss caused by the offense for which the juvenile was found to be delinquent;

73 11. Require the juvenile to participate in a public service project under such conditions as the court
74 prescribes;

75 12. In case of traffic violations, impose only those penalties that are authorized to be imposed on
76 adults for such violations. ~~However, for~~ For those violations punishable by confinement if committed by
77 an adult, confinement shall be imposed only as authorized by this title. However, notwithstanding any
78 other provision of law, the court may determine the appropriate amount, if any, of fines, costs, or fees to
79 be imposed against a juvenile for a traffic infraction;

80 13. Transfer legal custody to any of the following:

- 81 a. A relative or other individual who, after study, is found by the court to be qualified to receive
82 and care for the juvenile;
- 83 b. A child welfare agency, private organization or facility that is licensed or otherwise authorized
84 by law to receive and provide care for such juvenile. The court shall not transfer legal custody of a
85 delinquent juvenile to an agency, organization or facility outside of the Commonwealth without the
86 approval of the Director; or
- 87 c. The local board of social services of the county or city in which the court has jurisdiction or, at
88 the discretion of the court, to the local board of the county or city in which the juvenile has residence if
89 other than the county or city in which the court has jurisdiction. The board shall accept the juvenile for
90 care and custody, provided that it has been given reasonable notice of the pendency of the case and an
91 opportunity to be heard. However, in an emergency in the county or city in which the court has jurisdiction,
92 such local board may be required to temporarily accept a juvenile for a period not to exceed 14 days
93 without prior notice or an opportunity to be heard if the judge entering the placement order describes the
94 emergency and the need for such temporary placement in the order. Nothing in this subdivision shall
95 prohibit the commitment of a juvenile to any local board of social services in the Commonwealth when
96 such local board consents to the commitment. The board to which the juvenile is committed shall have the
97 final authority to determine the appropriate placement for the juvenile. Nothing herein shall limit the
98 authority of the court to review the child's status in foster care in accordance with subsection G of § 16.1-
99 281 or to review the foster care plan through a petition filed pursuant to subsection A of § 16.1-282. Any
100 order authorizing removal from the home and transferring legal custody of a juvenile to a local board of
101 social services as provided in this subdivision shall be entered only upon a finding by the court that
102 reasonable efforts have been made to prevent removal and that continued placement in the home would
103 be contrary to the welfare of the juvenile, and the order shall so state;
- 104 14. Unless waived by an agreement between the attorney for the Commonwealth and the juvenile
105 and his attorney or other legal representative, upon consideration of the results of an investigation
106 completed pursuant to § 16.1-273, commit the juvenile to the Department of Juvenile Justice, but only if
107 (i) he is 11 years of age or older and has been adjudicated delinquent of an act enumerated in subsection

108 B or C of § 16.1-269.1 or (ii) he is 14 years of age or older and the current offense is (a) an offense that
109 would be a felony if committed by an adult, (b) an offense that would be a Class 1 misdemeanor if
110 committed by an adult and the juvenile has previously been found to be delinquent based on an offense
111 that would be a felony if committed by an adult, or (c) an offense that would be a Class 1 misdemeanor if
112 committed by an adult and the juvenile has previously been adjudicated delinquent of three or more
113 offenses that would be a Class 1 misdemeanor if committed by an adult, and each such offense was not a
114 part of a common act, transaction or scheme;

115 15. Impose the penalty authorized by § 16.1-284;

116 16. Impose the penalty authorized by § 16.1-284.1;

117 17. Unless waived by an agreement between the attorney for the Commonwealth and the juvenile
118 and his attorney or other legal representative, upon consideration of the results of an investigation
119 completed pursuant to § 16.1-273, impose the penalty authorized by § 16.1-285.1;

120 18. Impose the penalty authorized by § 16.1-278.9; or

121 19. Require the juvenile to participate in a gang-activity prevention program including, but not
122 limited to, programs funded under the Virginia Juvenile Community Crime Control Act pursuant to §
123 16.1-309.7, if available, when a juvenile has been found delinquent of any of the following violations: §
124 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128,
125 18.2-137, 18.2-138, 18.2-146, or 18.2-147, or any violation of a local ordinance adopted pursuant to §
126 15.2-1812.2.

127 B. If the court finds a juvenile delinquent of any of the following offenses, the court shall require
128 the juvenile to make at least partial restitution or reparation for any property damage, for loss caused by
129 the offense, or for actual medical expenses incurred by the victim as a result of the offense: § 18.2-51,
130 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-56, 18.2-57, 18.2-57.2, 18.2-121, 18.2-127, 18.2-128, 18.2-
131 137, 18.2-138, 18.2-146, or 18.2-147; or for any violation of a local ordinance adopted pursuant to § 15.2-
132 1812.2. The court shall further require the juvenile to participate in a community service project under
133 such conditions as the court prescribes.

134 § 16.1-278.10. Traffic infractions.

135 In cases involving a child who is charged with a traffic infraction, the court may impose only those
136 penalties ~~which~~ that are authorized to be imposed on adults for such infractions.

137 Notwithstanding any other provision of law, the court may determine the appropriate amount, if
138 any, of fines, costs, or fees to be imposed against a juvenile for a traffic infraction.

139 **§ 17.1-275.5. Amounts to be added; judgment in favor of the Commonwealth.**

140 A. The clerk shall assess, in addition to the fees provided for by § 17.1-275.1, 17.1-275.2, 17.1-
141 275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-
142 275.12, the following costs:

- 143 1. Any amount paid by the Commonwealth for legal representation of the defendant;
- 144 2. Any amount paid for trial transcripts;
- 145 3. Extradition costs;
- 146 4. Costs of psychiatric evaluation;
- 147 5. Costs taxed against the defendant as appellant under Rule 5A:30 of the Rules of the Supreme
148 Court;
- 149 6. Any fee for a returned check or disallowed credit card charge assessed pursuant to subdivision
150 A 28 of § 17.1-275;
- 151 7. Any jury costs;
- 152 8. Any assessment made pursuant to subdivision A 10 of § 17.1-275;
- 153 9. Any fees prescribed in §§ 18.2-268.8 and 46.2-341.26:8;
- 154 10. Any court costs related to an ignition interlock device;
- 155 11. Any fee for testing for HIV;
- 156 12. Any fee for processing an individual admitted to jail as prescribed in § 15.2-1613.1;
- 157 13. Any fee for courthouse security personnel as prescribed in § 53.1-120;
- 158 14. Any fee for a DNA sample as prescribed in § 19.2-310.2;
- 159 15. Reimbursement to the Commonwealth of medical fees as prescribed in § 19.2-165.1;
- 160 16. Any fee for a local criminal justice training academy as prescribed in § 9.1-106;
- 161 17. Any fee prescribed by §§ 16.1-69.48:1.01 and 17.1-275.11;

162 18. Any expenses charged pursuant to subsection B or F of § 19.2-187.1; and

163 19. Any fee for an electronic summons system as prescribed in § 17.1-279.1.

164 B. The total amount of assessments described in subsection A, including (i) the fees provided for
165 by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10,
166 17.1-275.11, 17.1-275.11:1, or 17.1-275.12 and (ii) all other fines and costs, shall be docketed by the clerk
167 as a judgment against the defendant in favor of the Commonwealth in accordance with § 8.01-446.

168 C. The court may determine the appropriate amount, if any, of fines, costs, or fees pursuant to
169 subsection A to be imposed against a juvenile for a traffic infraction.

170 **§ 19.2-159. Determination of indigency; guidelines; statement of indigence; appointment of**
171 **counsel.**

172 A. If the accused shall claim that he is indigent, and the charge against him is a criminal offense
173 that may be punishable by confinement in the state correctional facility or jail, subject to the provisions
174 of § 19.2-160, the court shall determine from oral examination of the accused or other competent evidence
175 whether or not the accused is indigent within the contemplation of law pursuant to the guidelines set forth
176 in this section.

177 B. In making its finding, the court shall determine whether or not the accused is a current recipient
178 of a state or federally funded public assistance program for the indigent. If the accused is a current recipient
179 of such a program and does not waive his right to counsel or retain counsel on his own behalf, he shall be
180 presumed eligible for the appointment of counsel. This presumption shall be rebuttable where the court
181 finds that a more thorough examination of the financial resources of the defendant is necessary. If the
182 accused shall claim to be indigent and is not presumptively eligible under the provisions of this section,
183 then a thorough examination of the financial resources of the accused shall be made with consideration
184 given to the following:

185 1. The net income of the accused, which shall include his total salary and wages minus deductions
186 required by law. The court also shall take into account income and amenities from other sources including
187 but not limited to social security funds, union funds, veteran's benefits, other regular support from an

188 absent family member, public or private employee pensions, dividends, interests, rents, estates, trusts, or
189 gifts.

190 2. All assets of the accused which are convertible into cash within a reasonable period of time
191 without causing substantial hardship or jeopardizing the ability of the accused to maintain home and
192 employment. Assets shall include all cash on hand as well as in checking and savings accounts, stocks,
193 bonds, certificates of deposit, and tax refunds. All personal property owned by the accused which is readily
194 convertible into cash shall be considered, except property exempt from attachment. Any real estate owned
195 by the accused shall be considered in terms of the amounts which could be raised by a loan on the property.
196 For purposes of eligibility determination, the income, assets, and expenses of the spouse, if any, who is a
197 member of the accused's household, shall be considered, unless the spouse was the victim of the offense
198 or offenses allegedly committed by the accused.

199 3. Any exceptional expenses of the accused and his family which would, in all probability, prohibit
200 him from being able to secure private counsel. Such items shall include but not be limited to costs for
201 medical care, family support obligations, and child care payments.

202 The available funds of the accused shall be calculated as the sum of his total income and assets
203 less the exceptional expenses as provided in the first paragraph of this subdivision 3. If the accused does
204 not waive his right to counsel or retain counsel on his own behalf, counsel shall be appointed for the
205 accused if his available funds are equal to or below 125 percent of the federal poverty income guidelines
206 prescribed for the size of the household of the accused by the federal Department of Health and Human
207 Services. The Supreme Court of Virginia shall be responsible for distributing to all courts the annual
208 updates of the federal poverty income guidelines made by the Department.

209 If the available funds of the accused exceed 125 percent of the federal poverty income guidelines
210 and the accused fails to employ counsel and does not waive his right to counsel, the court may, in
211 exceptional circumstances, and where the ends of justice so require, appoint an attorney to represent the
212 accused. However, in making such appointments, the court shall state in writing its reasons for so doing.
213 The written statement by the court shall be included in the permanent record of the case.

214 C. If the court determines that the accused is indigent as contemplated by law pursuant to the
215 guidelines set forth in this section, the court shall provide the accused with a statement which shall contain
216 the following:

217 "I have been advised this _____ day of _____, 20__, by the (name of court) court of my right to
218 representation by counsel in the trial of the charge pending against me; I certify that I am without means
219 to employ counsel and I hereby request the court to appoint counsel for me."

220 _____ (signature of accused)

221 The court shall also require the accused to complete a written financial statement to support the
222 claim of indigency and to permit the court to determine whether or not the accused is indigent within the
223 contemplation of law. The accused shall execute the said statements under oath, and the said court shall
224 appoint competent counsel to represent the accused in the proceeding against him, including an appeal, if
225 any, until relieved or replaced by other counsel.

226 The executed statements by the accused and the order of appointment of counsel shall be filed with
227 and become a part of the record of such proceeding.

228 All other instances in which the appointment of counsel is required for an indigent shall be made
229 in accordance with the guidelines prescribed in this section.

230 D. Except in jurisdictions having a public defender, or unless (i) the public defender is unable to
231 represent the defendant by reason of conflict of interest or (ii) the court finds that appointment of other
232 counsel is necessary to attain the ends of justice, counsel appointed by the court for representation of the
233 accused shall be selected by a fair system of rotation among members of the bar practicing before the
234 court whose names are on the list maintained by the Indigent Defense Commission pursuant to § 19.2-
235 163.01. If no attorney who is on the list maintained by the Indigent Defense Commission is reasonably
236 available, the court may appoint as counsel an attorney not on the list who has otherwise demonstrated to
237 the court's satisfaction an appropriate level of training and experience. The court shall provide notice to
238 the Commission of the appointment of the attorney.

239 E. The court may determine the appropriate amount, if any, of fees to be imposed against a juvenile
240 for any amount paid by the Commonwealth for legal representation in a case solely involving a traffic
241 infraction.

242 **§ 19.2-163. Compensation of court-appointed counsel.**

243 Upon submission to the court, for which appointed representation is provided, of a detailed
244 accounting of the time expended for that representation, made within 30 days of the completion of all
245 proceedings in that court, counsel appointed to represent an indigent accused in a criminal case shall be
246 compensated for his services on an hourly basis at a rate set by the Supreme Court of Virginia in a total
247 amount not to exceed the amounts specified in the following schedule:

248 1. In a district court, a sum not to exceed \$120, provided that, notwithstanding the foregoing
249 limitation, the court in its discretion, and subject to guidelines issued by the Executive Secretary of the
250 Supreme Court of Virginia, may waive the limitation of fees up to (i) an additional \$120 when the effort
251 expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the
252 issues, or other circumstances warrant such a waiver; or (ii) an amount up to \$650 to defend, in the case
253 of a juvenile, an offense that would be a felony if committed by an adult that may be punishable by
254 confinement in the state correctional facility for a period of more than 20 years, or a charge of violation
255 of probation for such offense, when the effort expended, the time reasonably necessary for the particular
256 representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; or
257 (iii) such other amount as may be provided by law. Such amount shall be allowed in any case wherein
258 counsel conducts the defense of a single charge against the indigent through to its conclusion or a charge
259 of violation of probation at any hearing conducted under § 19.2-306; thereafter, compensation for
260 additional charges against the same accused also conducted by the same counsel shall be allowed on the
261 basis of additional time expended as to such additional charges;

262 2. In a circuit court (i) to defend a Class 1 felony charge, compensation for each appointed attorney
263 in an amount deemed reasonable by the court; (ii) to defend a felony charge that may be punishable by
264 confinement in the state correctional facility for a period of more than 20 years, or a charge of violation
265 of probation for such offense, a sum not to exceed \$1,235, provided that, notwithstanding the foregoing

266 limitation, the court in its discretion, and subject to guidelines issued by the Executive Secretary of the
267 Supreme Court of Virginia, may waive the limitation of fees up to an additional \$850 when the effort
268 expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the
269 issues, or other circumstances warrant such a waiver; (iii) to defend any other felony charge, or a charge
270 of violation of probation for such offense, a sum not to exceed \$445, provided that, notwithstanding the
271 foregoing limitation, the court in its discretion, and subject to guidelines issued by the Executive Secretary
272 of the Supreme Court of Virginia, may waive the limitation of fees up to an additional \$155 when the
273 effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty
274 of the issues, or other circumstances warrant such a waiver; and (iv) in the circuit court only, to defend
275 any misdemeanor charge punishable by confinement in jail or a charge of violation of probation for such
276 offense, a sum not to exceed \$158. In the event any case is required to be retried due to a mistrial for any
277 cause or reversed on appeal, the court may allow an additional fee for each case in an amount not to exceed
278 the amounts allowable in the initial trial. In the event counsel is appointed to defend an indigent charged
279 with a felony that is punishable as a Class 1 felony, each attorney appointed shall continue to receive
280 compensation as provided in this paragraph for defending such a felony, regardless of whether the charge
281 is reduced or amended to a lesser felony, prior to final disposition of the case. In the event counsel is
282 appointed to defend an indigent charged with any other felony, such counsel shall receive compensation
283 as provided in this paragraph for defending such a felony, regardless of whether the charge is reduced or
284 amended to a misdemeanor or lesser felony prior to final disposition of the case in either the district court
285 or circuit court.

286 Counsel appointed to represent an indigent accused in a criminal case, who are not public
287 defenders, may request an additional waiver exceeding the amounts provided for in this section. The
288 request for any additional amount shall be submitted to the presiding judge, in writing, with a detailed
289 accounting of the time spent and the justification for the additional amount. The presiding judge shall
290 determine, subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia,
291 whether the request for an additional amount is justified in whole or in part, by considering the effort
292 expended and the time reasonably necessary for the particular representation, and, if so, shall forward the

293 request as approved to the chief judge of the circuit court or district court for approval. If the presiding
294 judge determines that the request for an additional amount is not justified in whole or in part, such
295 presiding judge shall provide to the requesting attorney, in writing, the reasons for such determination and
296 shall, if such request has been approved in part, include a copy of such writing when forwarding the
297 request as approved to the chief judge of the circuit court or district court for approval. If the chief judge
298 of the circuit court or district court, upon review of the request as approved, determines, subject to the
299 guidelines issued by the Executive Secretary of the Supreme Court of Virginia, that any part of the request
300 for an additional amount is not justified, such chief judge shall provide to the requesting attorney and to
301 the presiding judge, in writing, the reason for such determination.

302 If at any time the funds appropriated to pay for waivers under this section become insufficient, the
303 Executive Secretary of the Supreme Court of Virginia shall so certify to the courts and no further waivers
304 shall be approved.

305 The circuit or district court shall direct the payment of such reasonable expenses incurred by such
306 court-appointed counsel as it deems appropriate under the circumstances of the case. Counsel appointed
307 by the court to represent an indigent charged with repeated violations of the same section of the Code of
308 Virginia, with each of such violations arising out of the same incident, occurrence, or transaction, shall be
309 compensated in an amount not to exceed the fee prescribed for the defense of a single charge; if such
310 offenses are tried as part of the same judicial proceeding. The trial judge shall consider any guidelines
311 established by the Supreme Court but shall have the sole discretion to fix the amount of compensation to
312 be paid counsel appointed by the court to defend a felony charge that is punishable as a Class 1 felony.

313 The circuit or district court shall direct that the foregoing payments shall be paid out by the
314 Commonwealth; if the defendant is charged with a violation of a statute, or by the county, city, or town;
315 if the defendant is charged with a violation of a county, city, or town ordinance, to the attorney so
316 appointed to defend such person as compensation for such defense.

317 Counsel representing a defendant charged with a Class 1 felony may submit to the court, on a
318 monthly basis, a statement of all costs incurred and fees charged by him in the case during that month.
319 Whenever the total charges as are deemed reasonable by the court for which payment has not previously

320 been made or requested exceed \$1,000, the court may direct that payment be made as otherwise provided
321 in this section.

322 When such directive is entered upon the order book of the court, the Commonwealth, county, city,
323 or town, as the case may be, shall provide for the payment out of its treasury of the sum of money so
324 specified. If the defendant is convicted, the amount allowed by the court to the attorney appointed to
325 defend him shall be taxed against the defendant as a part of the costs of prosecution and, if collected, the
326 same shall be paid to the Commonwealth, or the county, city, or town, as the case may be. In the event
327 that counsel for the defendant requests a waiver of the limitations on compensation, the court shall assess
328 against the defendant an amount equal to the pre-waiver compensation limit specified in this section for
329 each charge for which the defendant was convicted. An abstract of such costs shall be docketed in the
330 judgment docket and execution lien book maintained by such court.

331 Any statement submitted by an attorney for payments due him for indigent representation or for
332 representation of a child pursuant to § 16.1-266 shall, after the submission of the statement, be forwarded
333 forthwith by the clerk to the Commonwealth, county, city, or town, as the case may be, responsible for
334 payment. In a case solely involving a traffic infraction, if the court has determined such child's parents to
335 be indigent pursuant to § 19.2-159, the court may determine the appropriate amount, if any, allowed by
336 the court to the attorney appointed to defend him to be taxed against such child as part of the costs of
337 prosecution.

338 For the purposes of this section, the defense of a case may be considered conducted through to its
339 conclusion and an appointed counsel entitled to compensation for his services in the event an indigent
340 accused fails to appear in court subject to a capias for his arrest or a show cause summons for his failure
341 to appear and remains a fugitive from justice for one year following the issuance of the capias or the
342 summons to show cause, and appointed counsel has appeared at a hearing on behalf of the accused.

343 Effective July 1, 2007, the Executive Secretary of the Supreme Court of Virginia shall track and
344 report the number and category of offenses charged involving adult and juvenile offenders in cases in
345 which court-appointed counsel is assigned. The Executive Secretary shall also track and report the
346 amounts paid by waiver above the initial cap to court-appointed counsel. The Executive Secretary shall

347 provide these reports to the Governor, members of the House Committee on Appropriations, and members
348 of the Senate Committee on Finance and Appropriations on a quarterly basis.

349 **§ 19.2-163.4:1. Taxation of convicted persons for representation costs.**

350 In any case in which an attorney from a public defender office represents an indigent person
351 charged with an offense and such person is convicted, the sum that would have been allowed a court-
352 appointed attorney as compensation and as reasonable expenses shall be taxed against the person defended
353 as a part of the costs of the prosecution, and, if collected, shall be paid to the Commonwealth or, if payment
354 was made to the Commonwealth by a locality for defense of a local ordinance violation, to the appropriate
355 county, city or town. An abstract of such costs shall be docketed in the judgment lien docket and execution
356 book of the court. The court may determine if this section shall apply to a juvenile represented by a public
357 defender office for a case solely involving a traffic infraction.

358 **§ 46.2-808.2. Violations committed within highway safety corridor; report on benefits.**

359 Notwithstanding any other provision of law, the fine for any moving violation of any provision of
360 this chapter while operating a motor vehicle in a designated highway safety corridor pursuant to § 33.2-
361 253 shall be no more than \$500 for any violation that is a traffic infraction and not less than \$200 for any
362 violation that is a criminal offense unless such violation was committed by a juvenile. When a juvenile
363 has been found to be in violation of any provision of this chapter, the court may exercise discretion in the
364 imposition or amount of any fine. The otherwise applicable fines set forth in Rule 3B:2 of the Rules of the
365 Supreme Court shall be doubled in the case of a waiver of appearance and a plea of guilty under § 16.1-
366 69.40:1 or 19.2-254.2 for a violation of a provision of this chapter while operating a motor vehicle in a
367 designated highway safety corridor pursuant to § 33.2-253. The Commissioner of Highways shall report,
368 on an annual basis, statistical data related to benefits derived from the designation of such highway safety
369 corridors. This information may be posted on the Virginia Department of Transportation's official website.
370 Notwithstanding the provisions of § 46.2-1300, the governing bodies of counties, cities, and towns may
371 not adopt ordinances providing for penalties under this section.

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