

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF MECKLENBURG

IN RE: DEFERRED PAYMENT PLAN GUIDELINES AND PROCEDURES FOR COURT COSTS, FINES AND RESTITUTION

ORDER

It appearing to the Court proper to do it is hereby ORDERED that the following time to pay guidelines are hereby established for the total costs, fines, and restitution in all cases which were not set by the Court at the time of sentencing and incorporated into the Sentencing Order.

When an individual is convicted of a felony or misdemeanor in the Mecklenburg County Circuit Court, court imposed fines and/or court costs will be assessed against the Defendant in accordance with the Code of Virginia. All fines and costs are due thirty (30) days from the date of sentencing unless otherwise ordered. Any defendant who is unable to pay in full fines and costs for a particular offense within 30 days of conviction, or other disposition authorized by law, is offered by the Court the opportunity to enter into either a deferred payment plan agreement, a modified deferred payment plan agreement or an installment payment plan agreement to pay those fines and costs. A payment plan agreement shall include only those outstanding fines and costs subject to collection under the period of time for which the limitations period set forth in § 19.2- 341 has not run. If restitution is included in assessed costs, restitution will be incorporated in these stated guidelines. The Court will take into account the defendant's financial resources and obligations, including defendant's indigence, as well as any fines and costs the defendant owes in other courts. In assessing the defendant's ability to pay, the court will utilize a written financial statement, on form DC-211, developed by the Executive Secretary of the Supreme Court, or if in Court, a colloquy with the defendant to assess the defendant's ability to pay setting forth the defendant's financial resources. Initial down payment will not be required for first time payment agreements. The defendant may request a modification of the plan agreement in writing on form DC-211 and the Court may grant such modification based on a good faith showing of need.

The Court shall consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent payment agreement. In determining whether to approve such request for a subsequent payment agreement, the Court shall consider any change in the defendant's circumstances.

The Court shall require a down payment to enter into a subsequent payment plan agreement.

If the fines and costs owed are \$500 or less, the required down payment may not exceed 10 percent of such amount owed or, if the fines and costs owed are more than \$500, the required down payment may not exceed five percent of the amount owed or \$50, whichever is greater.

The Court may allow community service work as an option to defray fines and costs, especially when the defendant is indigent or otherwise unable to make substantial meaningful payments. Any portion of the community service completed would be credited to the defendant's obligations at the rate of \$8.00 per hour. Community service shall not be credited against any amount owed as restitution or any collection fee required. Community Service **MUST** be pre-arranged with the organization **AND** pre-approved by the Court on forms to be provided by the Clerk's Office. The community service, if approved by the Court, must be performed at a 501(c)(3) organization or political subdivision of the Commonwealth of Virginia.

When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in

any work release, home/electronic incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility shall withhold such ordered payments from any amounts due to such person.

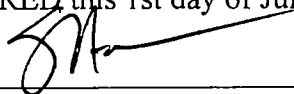
In accordance with Code Section 19.2-349, failure to pay fines/restitution or entering into and staying current on a payment agreement within 30 days of the date of judgment will incur a 17% penalty “to help offset the costs associated with employing such individuals or contracting with such agencies or individuals” assisting in collection. The Clerk cannot remove, reduce, or alter this fee.

Payments will be accepted in office by cash, check or money order. Payment by credit card or debit card may be made online at vacourts.gov. All checks returned by the bank for insufficient funds may be assessed a returned check fee of \$50.00 or 10%, whichever is greater, based on the payment amount. The amount of the returned check, plus the returned check fee, will be credited back to the Defendant’s account.

Unpaid fines/restitution will be reported to collections once they are delinquent more than 90 days. If a Defendant’s only financial resource is a Social Security benefit or Supplemental Security Income, then they are not required to pay until they have another resource or income. As long as their sole income remains unchanged, their account will not go to collections. The defendant is required by statute to advise the court of additional financial resource of income. Any restitution that the Defendant may have been ordered to pay is not included in this exemption of payment and is due as the Court has ordered. The Defendant must promptly inform the Court of any change of mailing address during the term of the payment agreement.

The Clerk shall be able to administratively amend any payment plan in the event additional costs should be assessed and/or the financial conditions of the Defendant changes. Any other terms set forth in these guidelines are subject to the Clerk’s or Judge’s discretion.

ENTERED this 1st day of July, 2024



S. ANDERSON NELSON, JUDGE