
VIRGINIA STATE BUDGET

2015 Session

Budget Bill - HB1400 (Chapter 665)

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§ 3-6.05 DEPOSIT OF FINES AND FEES

A. 1. The Auditor of Public Accounts shall annually during fiscal year 2015 calculate the amount of total fines and fees collected by the District Courts. The Auditor of Public Accounts will determine those localities in which total local fines and fee collections exceed 50 percent of the total collections. Using the Auditor of Public Accounts' calculation for fiscal year 2011, the State Comptroller shall deduct half of the amount in excess of 50 percent from any current payment of local fines and fees before remitting to the localities their remaining collections. When the State Comptroller has recovered in total, the half of the amount exceeding 50 percent, he shall pay all local collections monthly directly to the locality's treasury. The State Comptroller shall promptly and without delay transmit any and all non-withheld local fees and fines to the locality's treasury not later than sixty (60) days after these fines and fees were deposited and recorded in the state treasury by the District Courts. Furthermore, the State Comptroller and the Executive Secretary of the Supreme Court shall work with the District Courts and the localities to develop a process to provide the localities a complete accounting of when these fees were collected. The State Comptroller shall deposit the withheld funds in the Literary Fund, as they become available.

2. *By May 1, 2015 the Auditor of Public Accounts shall calculate the fines reversion amount defined as equal to one-quarter of (i) the total of the local fines and forfeitures collected by the District Courts in the immediately preceding fiscal year less (ii) 65 percent of the total fines and forfeitures collected by the District Courts for such prior fiscal year for each locality.*

3. *It is the intent of the General Assembly to increase the reversion amount from one-quarter of the excess fees calculation in the fiscal year ending June 30, 2016, to one-third of the excess for the calculation in the fiscal year ending June 30, 2017, and to one-half of the excess for the calculation in the fiscal year ending June 30, 2018.*

B. The Auditor of Public Accounts shall provide the State Comptroller the annual calculation by May 1 ~~of each year~~ *in the first year* for future withholdings. The State Comptroller will act as a fiscal agent, holding the amounts of local fine and fee collections in an agency fund.

C. *Effective July 1, 2015, the Auditor of Public Accounts shall provide written notice to each locality year the amount of its fines reversion as defined in A. above and shall provide a copy of the notice to the State Comptroller.*

D. *Effective July 1, 2015, each locality receiving notice that it has a fines reversion as defined in A. above shall submit a payment to the State Comptroller for the entire amount of the reversion by August 1 for deposit into the Literary Fund.*