

FY24 Policy Statement for Fines and Fees: Commonwealth's Attorneys Form

Locality Code: 195

Policy and Procedure

Code of Virginia Pursuant to § 19.2-349, Code of Virginia, a Commonwealth's Attorney is required to cause proper proceedings to be instituted for the collection and satisfaction of all fines, costs, forfeitures, penalties and restitution. The Commonwealth's Attorney must follow collection guidelines promulgated by the Office of the Attorney General, the Executive Secretary of the Supreme Court in association with the Department of Taxation and Compensation Board.

If the Commonwealth's Attorney does not undertake collection, he shall contract with (i) private attorneys or private collection agencies, (ii) enter into an agreement with a local governing body, (iii) enter into an agreement with the county or city treasurer, or (iv) use the services of the Department of Taxation. The Commonwealth's Attorney provides for compensation of outside collection agents on a contingency fee basis out the proceeds of the amounts collected (except Treasurers not being compensated on a contingency fee basis as of January 1, 2015, compensated by the added fee to cover administrative cost provided for in Code § 58.1-3958).

The Department of Taxation and the Compensation Board shall establish procedures to be followed by court clerks, Commonwealth's Attorneys, other state agencies or local government entities and any private attorneys or collection agents. The Department of Taxation and the Compensation Board shall report annually to the Governor and the General Assembly the total fines, costs, forfeitures and penalties assessed, collected, and unpaid and those which remain unsatisfied by each circuit or district court.

Pursuant to Chapter 2, 2022 Acts of Assembly, delinquent amounts owed shall have added to them an increase rate fee of seventeen percent, to reflect the costs associated with employing or contracting with agencies or individuals for collections, unless such rate would exceed the collection agent's fees for collection, in which case the increase rate fee shall equal the collection agent's fees for collection. The increase rate fees are also paid on a contingency basis out of the proceeds of the amounts collected.

Policy Prompt payment of fines and fees are ordered by the Court as a form of punishment for an offense committed, as well as a legitimate source of revenue for the locality and the Commonwealth. A Commonwealth's Attorney must take all measures under law to ensure that all fines, costs, penalties, forfeitures, and restitution as ordered by the Court are paid in full.

Procedure A Commonwealth's Attorney must:

- Annually choose a collection method by completing and signing an *Election for Collection Method of Fines and Fees: Commonwealth's Attorney* and return by fax to the Compensation Board; and
- Annually receive assessment and collection totals from his collection agent and file a report with the Compensation Board using the *Collection of Fines and Fees Form*.

Effective Date This policy was effective July 1, 2003 and amended on July 18, 2007, July 1, 2013, July 1, 2014, and July 1, 2015. Unless otherwise noted, it shall remain in effect until further amended. Any recommended amendments to this policy shall be communicated to and are subject to review by the Compensation Board.

Certification

I am in compliance with the requirements of § 19.2-349, Code of Virginia, Chapter 2, 2022 Acts of Assembly, Item 76. Paragraph H. and the Master Guidelines and Model Form for Contracts for the Collection of Unpaid Fines, Costs, Forfeitures, and Penalties by Contractors, dated July 1, 2022.

Brett Hall

Printed Name of Commonwealth's Attorney

Signature of Commonwealth's Attorney

Wise

Locality

Date

07.22.24

Commonwealth's Attorney: Please complete form fully, provide printed name of officer and locality, sign and date form. Fax to the attention of Mark Pellett, Compensation Board (804) 371-0235, not later than Friday, July 28, 2023.

FY24 Election for Collection Method of Fines and Fees: Commonwealth's Attorney

Locality Code: 195

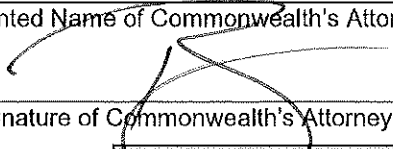
In compliance with § 19.2-349, Code of Virginia, I elect the following as the collection method for delinquent fines, costs, penalties, and forfeitures and restitution for each court in my locality:

- Column A Indicate if the Department of Taxation, In-House program, city/county Treasurer, private attorney, or private collection agent collects delinquent fines and fees for each of your courts; list contact information.
- Column B For all collection methods (except the In-House program) please provide month and year of contract or Memorandum of Understanding.
- Column C For all collection methods please provide the collection fee percentage (excludes restitution) or the fee amount for administrative cost for Treasurers not contracting on a contingency basis as of January 1, 2015.
- Column D For all collection methods please provide the increase rate of 17% of the amount owed for outstanding fines **unless the Collection Commission Rate is less than 17%. If the Collection Commission Rate (column C) is less than 17%, then the Increase Rate and the Fee for Collection Services Percentages should match** (the increase rate where Treasurers were not contracting on a contingency basis as of January 1, 2015 should be 0%). Please note this is not considered compensation due the contractor except for restitution.

FY24				
Court	Collection Method	Contract or MOU		
	A: CHOOSE ONLY ONE PER COURT: <ul style="list-style-type: none"> Department of Taxation In-House Program Private Attorney (provide name/contact) Private Collection Agent (provide name/contact) City / County Treasurer or other Official Provide Name and Contact Information:	B: Contract Date Month & Year:	C: Fee for Collection Services (Collection Commission Rate) Percentage:	D: Increase Rate Fee applied to delinquent amounts (Increase Rate) Percentage:
SAMPLE	County Treasurer - Jane G. Doe 804-555-1234; jane.doe@treasurer.gov	Jul 2023	21%	17%
Circuit	Wise County Board of Supervisors	Jul 2023	35%	17%
General District	Wise County Board of Supervisors	Jul 2023	35%	17%
Juvenile & Domestic Relations	Wise County Board of Supervisors	Jul 2023	35%	17%
Combined				

Brett Hall
Printed Name of Commonwealth's Attorney

Wise
Locality


Signature of Commonwealth's Attorney

07.22.24
Date

Please forward a copy of the Election for Collection Method Form to the following no later than Friday, July 28, 2023:

i. Circuit, District, Juvenile and Domestic Relations Courts of your Locality	iii. Department of Taxation P. O. Box 2402 Richmond, VA 23218-2402
ii. Supreme Court of Virginia 100 North Ninth Street Richmond, VA 23219 FAX: (804) 371-5034	

Commonwealth's Attorney: Please complete form fully, provide printed name of officer and locality, sign and date form. Fax to the attention of Mark Pellett, Compensation Board (804) 371-0235, not later than Friday, July 28, 2023. Provide copies to above listed agencies (by fax where listed) no later than Friday, July 28, 2023.

FY23 Collection of Fines and Fees Form

Pursuant to § 19.2-349, Code of Virginia, Commonwealth's Attorney's Report to the Compensation Board for July 1, 2022 through June 30, 2023

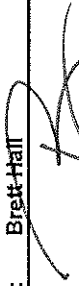
Commonwealth's Attorney for: Wise city/county Locality Code: 195 Page 1 of 2

COURT	Column A Total Assessments of delinquent fines, costs, forfeitures and penalties (Excludes Restitution)	Column B Deleted or removed accounts	Column C PAID accounts as reported by Department of Taxation's Debt Set-Off Program	Column D Assessments of Restitution sent for collections	Column E Net Assessments (A - B - C + D = E)
Circuit	\$535,574.16	\$0.00	\$0.00	\$220,377.32	\$755,951.48
General District	\$624,301.76	\$0.00	\$0.00	\$19,150.47	\$643,452.23
J & DR	\$24,456.10	\$0.00	\$0.00	\$0.00	\$24,456.10
Combined					
Totals	\$1,184,332.02	\$0.00	\$0.00	\$239,527.79	\$1,423,859.81

Based on information provided to me by the courts and my collection program, I certify that this report is a true and accurate statement of the total fines and costs collected and deposited by me or on my behalf for the period stated above.

Date:

Printed Name: Brett Hall

Signature: 

FY23 Collection Agent: (fill in at the bottom-left of form on page 2)

- DEPARTMENT OF TAXATION JUDGE PROGRAM CITY / COUNTY TREASURER
 PRIVATE ATTORNEY (provide name) PRIVATE COLLECTION AGENT (provide name)

FY23 Collection of Fines and Fees Form

Pursuant to § 19.2-349, Code of Virginia, Commonwealth's Attorney's Report to the Compensation Board for July 1, 2022 through June 30, 2023

Commonwealth's Attorney for: Wise city/county Locality Code: 195 Page 2 of 2

COURT	Column F Collections of delinquent fines, costs, forfeitures, penalties and interest during this period (Excluding Restitution)	Column G Collections of Restitution during this period	Column H Collections Offset Amount (increase rate) during this period.	Column I Collection Fee	Column J Net Collections (F + G + H - I = J)
Circuit	\$85,969.39	\$23,821.92	\$11,318.97	\$29,626.08	\$91,484.20
General District	\$50,524.42	\$3,456.28	\$6,894.81	\$15,694.40	\$45,181.11
J & DR	\$759.85	\$0.00	\$99.78	\$231.01	\$628.62
Combined					
Totals	\$137,253.66	\$27,278.20	\$18,313.56	\$45,551.49	\$137,293.93

Court	FY23 Collection Agent Name*	IN-HOUSE and CONTINGENCY TREASURER COLLECTIONS ONLY		
Circuit	Wise County Board of Supervisors	Total from Column I above		
General District	Wise County Board of Supervisors	Less: (-) Expenses for Collection Efforts		
J & DR	Wise County Board of Supervisors	Surplus (deficit)		
Combined		Locality/State State Split of Surplus		