

LOCAL ORDINANCES AND THE FUNDING OF COURTS

SEPTEMBER 2011

APA

**Auditor of
Public Accounts**

COMMONWEALTH OF VIRGINIA

EXECUTIVE SUMMARY

The Commonwealth's funding of its Court System is a complicated maze of state and local tax revenues and fines and costs with little connection to service delivery. Similarly, the division of responsibility for expenses between the Commonwealth and localities comes more from historical tradition than from funding sources or accountability.

In the fiscal year ended June 30, 2010, Virginia's Courts collected \$95 million of fines and costs related to local ordinances that parallel state statutes. When localities adopt ordinances that parallel state statutes and citizens pay fines and costs, localities deposit these collections in their general funds without any commitment to fund education, as with the Commonwealth's Literary Fund, or their share of court operations.

The General Assembly may wish to address the following funding issues.

1. Should counties and cities continue to have the authority to adopt ordinances that parallel state statutes and retain the fines, fees, and costs; and if so, should this process restrict funding to either education or the court system?
2. Counties and cities provide court facilities and, in some cases, staffing beyond that funded by the Commonwealth. Should the Commonwealth and locality share the cost of these expenses? If so, how should they share them?
3. Since the District Court reorganization eliminated town courts, why do towns continue to have the ability to assess and collect fines and fees?
4. Since Circuit Court Clerks receive funding from the General Fund of the Commonwealth, should the Compensation Board continue to calculate excess fees and share this funding with the locality?
5. Should the Commonwealth continue to fund a portion of the Circuit Court Clerk functions for the recordation of land records; if so, what services should this funding cover?
6. Should the Clerks of the Circuit Courts continue to receive a commission for simply depositing the Commonwealth and individual locality's collections with the appropriate Treasurer?
7. If the Commonwealth alters the funding for court services in the Circuit Court Clerk's office, should the administrative responsibility for this funding move from the Compensation Board to the Supreme Court?

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SECTION 1: Why Can Localities Collect Fines and Fees for Charges Similar to State Statutes?

Virginia localities assessed local fines and costs of \$152.5 million and collected approximately \$95.1 million for the fiscal year ended June 30, 2010. Localities only have the powers given to them by the General Assembly as enacted into law. Over time, the General Assembly has enacted numerous statutes that permit localities to establish local ordinances and assess and collect local fines and costs. This report will discuss the legislation and laws that allow these collections, the historical reason for allowing localities to collect fines and costs, and the need to re-examine the funding of the court system.

During the legislative process, bills that set fines and costs include the language “similar ordinance.” This language allows the localities to adopt ordinances that parallel the state statute and assess, collect, and keep the fines and costs for themselves.

The General Assembly has allowed the addition of the language “similar ordinance” throughout the Code of Virginia over the years with little consideration of the funding implications on the Commonwealth or the locality. In many cases, the funding impact cannot be determined, since the locality cannot enact the ordinance until the legislation passes. Additionally, not all localities choose to enact similar ordinances and classification of violations as state or local is inconsistent. We show later in this report amounts localities collected as a result of their local ordinances.

The definition of “ordinance” as used in the Code of Virginia is “any law, rule, regulation, or ordinance adopted by the governing body of any locality.” We found specific references to the “similar ordinance” language in six Titles of the Code of Virginia. As discussed later, the largest usage of “similar ordinance” occurs in Title 18.2 “Crimes and Offenses Generally” and in Title 46.2 “Motor Vehicles.” Chapter 13 of Title 46.2 (46.2-1300 et seq.) of the Code of Virginia directly addresses the powers of local governments and their ability to adopt local ordinances for traffic offenses, and subsequently assess and collect fines and costs relating to these violations. This Chapter clearly states “The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this title...” This language opens the door to enable localities to adopt local traffic ordinances that mirror state statute.

This “similar ordinance” language is often included during the review by the House and Senate Courts of Justice committees; however, there is no consideration of the fiscal impact of allowing localities to enact similar ordinances. Depending on the violation, this language could divert significant amounts of revenue from the Commonwealth’s Literary Fund into local government treasuries. However, until the localities enact the ordinances, a model for determining the fiscal impact currently does not exist.

<p>The General Assembly may wish to establish a process to have both House and Senate Courts of Justice committees and House and Senate Finance committees develop a process to review any bill having the “similar ordinance” language so that the fiscal impact of these bills on the Commonwealth and the locality is part of the General Assembly’s deliberation of the legislation.</p>
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SECTION 2: How Does The Process Work?

If authorized by the General Assembly, the governing body of any county, city, or town can enact an ordinance that parallels an existing Code of Virginia statute. Once the governing body enacts the local ordinance, local law enforcement officers can choose between a state statute and a local ordinance when issuing a Uniform Summons in Virginia.

On the Uniform Summons is a code section relating to the charge, as well as a description of the charge. Local law enforcement officers can classify the violation as a local ordinance or a state statute. However, Virginia State Troopers can only classify the violation under a state statute. If the local law enforcement officer chooses to use a local ordinance, the officer includes the supporting state statute on the summons for reference, if applicable.

The local officers' selection of state or local ordinance depends on the officer's training and direction from the chief of police or sheriff. Preferences vary throughout the Commonwealth with some local administrations preferring for officers to only use state statutes, some preferring local ordinances, and some giving their officers the option. See Appendix A for a breakdown of assessed local fines and costs by locality.

The Clerk of the respective court, upon receipt of the summons, will enter the information into the Office of the Executive Secretary of the Supreme Court of Virginia's case management system. Within the case management system, the case has an indicator as either a Commonwealth or locality charge, as designated by the code section cited on the summons. The state statute is the only code section data entered into the case management system. Therefore, the indicator is the only way to distinguish between local and state cases.

If the Clerk enters the case as a Commonwealth case and the judge finds the defendant guilty, the collected fines and costs go to the state treasury. When the clerk enters the case as a local offense and the judge finds the defendant guilty, all fines and costs go to the respective local treasurer. The entry from the original summons remains the same unless during trial the Commonwealth's Attorney has the charges amended; then the Clerk will change the charge in the system.

As mentioned above, if a Virginia State Trooper prepares the Uniform Summons, he will classify the violation under state statute. Historically, these fines and costs have remained Commonwealth revenue, as required in Section 46.2-1308 of the Code of Virginia. However, an opinion from the Office of the Attorney General on May 13, 2011, provides that a Commonwealth's Attorney may amend a state statute violation to an equivalent local ordinance violation for all titles other than Title 46.2, "Motor Vehicles," of the Code of Virginia. When this occurs, the revenue then goes to the local treasury instead of the Commonwealth's Literary Fund.

<p>The General Assembly may wish to evaluate whether Commonwealth's Attorneys should have the power to amend charges on summons issued by the State Police, and whether these fines and costs should go to the local treasurer and not the Literary Fund.</p>

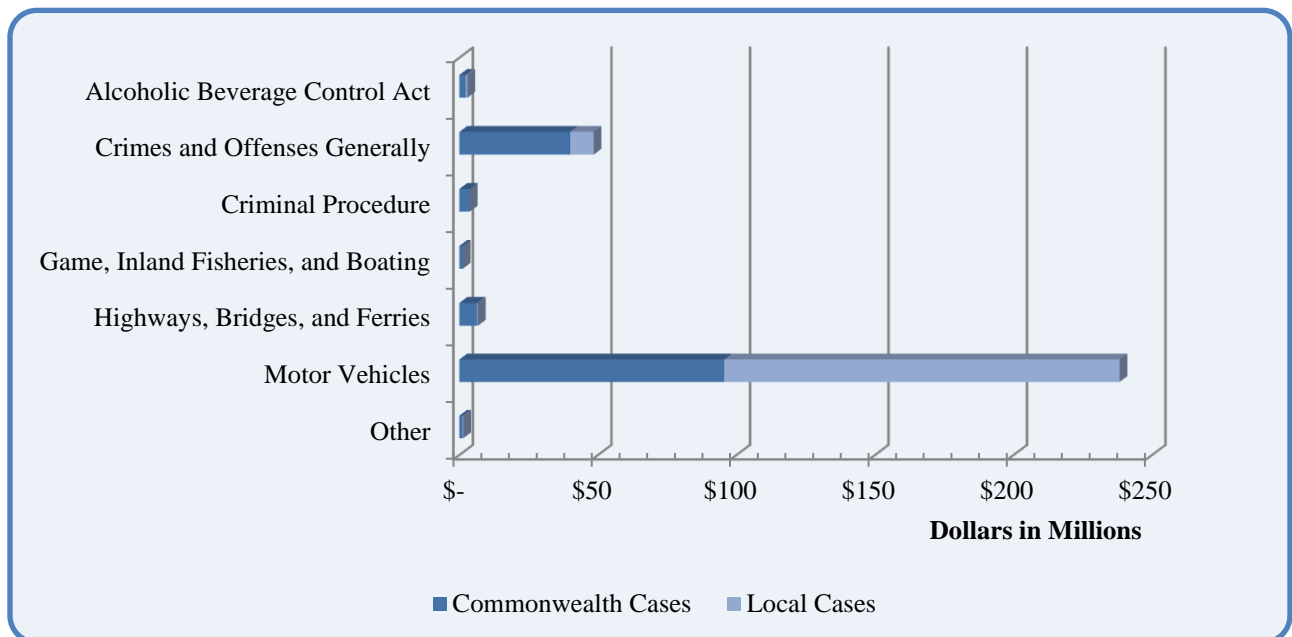
SECTION 3: How Much Do Localities Get?

During fiscal year 2010, localities assessed approximately \$152.5 million in fines and costs related to 203 sections of the Code of Virginia of which the localities collected \$95 million. Half of the 203 sections relate to “Motor Vehicles” and “Crimes and Offenses Generally.” For all cases processed relating to these sections, the locality assessed just over half of the fines and costs as local and just under half as Commonwealth as reflected in the chart below. Appendix B provides information about the data we used for this analysis.

Fines and Costs Assessed Fiscal Year 2010

Statute	Commonwealth	Local	Total
Alcoholic Beverage Control Act	\$ 2,306,731	\$ 612,787	\$ 2,919,518
Crimes and Offenses Generally	39,931,832	8,541,402	48,473,234
Criminal Procedure	3,707,589	36,975	3,744,564
Game, Inland Fisheries, and Boating	1,191,929	24,432	1,216,361
Highways, Bridges, and Ferries	6,363,732	325,682	6,689,414
Motor Vehicles	95,602,163	142,712,713	238,314,876
Other	1,136,371	254,896	1,391,267
Total	\$ 150,240,347 49%	\$ 152,508,887 51%	\$ 302,749,234

Source: Office of the Executive Secretary of the Supreme Court of Virginia’s Case Management System



Source: Office of the Executive Secretary of the Supreme Court of Virginia’s Case Management System

Based on our analysis, we found that 53 percent of cases processed as a local case had parallel state statutes, with 96 percent of these cases relating to motor vehicle statutes as reflected in

the chart above. The second largest area is “Crimes and Offenses Generally,” which contains crimes involving health and safety, such as drug offenses and driving while intoxicated charges. See Appendix C for a detailed chart of the offenses relating to “Motor Vehicles” and the amounts assessed by offense.

Since the District Court System handles the majority of “Motor Vehicles” infractions, there are minimal collections in the Circuit Courts related to local ordinances. The chart below shows by court the amounts of fines and costs assessed relating to parallel Commonwealth statutes and local ordinances.

**Commonwealth vs. Local Assessments
from Parallel Statutes and Local Ordinances by Court**

Statute	Circuit		District	
	Commonwealth	Local	Commonwealth	Local
Alcoholic Beverage Control Act	\$ 947	\$ 181	\$ 2,305,784	\$ 612,606
Crimes and Offenses Generally	439,669	16,296	39,492,163	8,525,106
Criminal Procedure	68,328	3,061	3,639,261	33,914
Game, Inland Fisheries and Boating	101	-	1,191,827	24,432
Highways, Bridges and Ferries	93	16	6,363,639	325,666
Motor Vehicles	35,928	18,259	95,566,235	142,694,454
Other	<u>4,626</u>	<u>329</u>	<u>1,131,746</u>	<u>254,567</u>
Total	\$549,692	\$38,142	\$149,690,655	\$152,470,745

Source: Office of the Executive Secretary of the Supreme Court of Virginia’s Case Management System

SECTION 4: What is the History of Court Funding?

To understand why the Commonwealth permits localities to collect fines and costs for certain offenses, it becomes necessary to understand the method historically used to pay for local courts. While we are neither attorneys nor historians, we believe the following is a short and accurate review of the local court system in Virginia.

Since the establishment of the court system in the Commonwealth, there have been few significant changes to the funding structure. Prior to the 1851 Constitution, county and corporation courts were the primary units of the local judicial system. The General Assembly enacted laws which included fines, fees, and costs and set the salaries of the judges. Local courts adjudicated cases and used fines, fees, and costs to pay the salaries of the court officials.

The 1851 Constitution established judicial circuits and made several other changes in the local judicial system. These changes established a Circuit Clerk for each county and corporation in which the Circuit Court would meet, and stipulated that the elected county and corporation court clerk, who recorded land records, would serve as the Circuit Court Clerk. The Commonwealth by statute set the compensation for clerks and other staff and expenses.

While the Commonwealth, at this time, set the compensation for judges, clerks, and staff, the payment of these amounts continued to come from the fines, fees, and costs assessed by the courts. In cases where total collections were insufficient to meet the compensation of the judge, it appears that the county or corporation paid the difference. Circuit, county, and corporation clerks received their compensation under a fee arrangement basis.

General statutes set forth which fines and costs came to the Commonwealth and the Literary Fund, including any restitutions and penalties. Although the Literary Fund had existed since 1810, it did not become a constitutional entity until the 1870 Constitution. The Literary Fund received all fines collected by the Circuit, county, and corporation courts as set forth by law.

Between 1810 and the 1870 Constitution, the Commonwealth on several occasions used the Literary Fund balance for purposes other than education. The 1870 Constitution established the Literary Fund, set the funding it should receive, and restricted its use. This constitutional language and restrictions on the use of the Literary Fund has remained relatively unchanged since 1870.

The 1902 Constitution created the current judicial branch organization. One of the changes made in the 1902 Constitution was that the State Treasury paid judges and certain officials of the court and received reimbursement from the locality for some percentage of the state salaries. This reimbursement principle applied to Circuit, county, and corporation courts. All clerks remained on a fee arrangement to pay them and their staff salaries, or cities and towns could choose to pay the clerks and staff and retain fees to the extent of the salaries set. Several organizations existed over time to monitor this process and control salaries. The Compensation Board currently fulfills this function.

While the 1970 Constitution removed a significant amount of the detailed provisions about the judicial branch, this revision fundamentally did little to change the operations of the local courts.

The most significant change was the movement of details concerning the local court operations from the Constitution to general law, allowing for changes without requiring Constitutional amendments, especially related to the designation of which localities comprise a circuit.

After several studies, the General Assembly passed legislation in 1973 that created the District Courts system. This legislation was the most significant change in the operations of the local courts. The revisions eliminated county and corporation courts, which included cities and towns, and other courts not of record. The Commonwealth began assuming the responsibility of paying for all the District Court judges, clerks, and staff salaries, as well as any other operating costs not associated with the court facilities. The Commonwealth also assumed the responsibility of paying the Circuit Court judges salaries and eliminated any local reimbursement for these costs.

In 1985, the General Assembly switched Circuit Court Clerks and their staff from funding their offices from excess fees to receiving a general fund appropriation for their salaries and other expenses. Like the District Courts, the General Assembly did not assume any fiscal responsibilities for the court facilities.

See Appendix D for a timeline graph of this history narrative.

SECTION 5: What Are Current Funding Practices?

Although the Commonwealth's General Fund has assumed direct responsibility for paying salaries and expenses in both the District and Circuit Courts, neither of these changes occurred with corresponding statutory changes to address the policy of how the Commonwealth would address long term funding issues. One of the long-term funding issues currently not addressed is how much revenue localities should receive from fines and costs to compensate for individual courthouse construction and local maintenance.

The chart below shows total collections and operating expenses by court during fiscal year 2010. We have performed a detailed examination of the funding of each court in our annual report entitled *Collections and Costs of Operating the Circuit and General District Courts by Locality* and summarize that information below. The amount of local operating expenses represents the amounts reported in the *Comparative Report of Local Government Revenues and Expenditures* and includes all operating costs of the court facilities and other charges for operations.

Cash Collection and Expenses for Fiscal Year 2010

	Circuit Courts	District Courts	Total
State collections	\$ 362,712,354	\$ 182,686,702	\$ 545,399,056
Clerk's fees	48,476,003	-	48,476,003
Commissions on state	14,930,451	-	14,930,451
Less excess fees	(10,768,378)	-	(10,768,378)
Total state collections	415,350,430	182,686,702	598,037,132
Total state expenses	(115,746,275)	(153,193,519)	(268,939,794)
Net state collections	\$ 299,604,155	\$ 29,493,183	\$ 329,097,338
Local and town collections	\$ 166,403,515	\$ 95,060,312	\$ 261,463,827
Plus excess fees	10,768,378	-	10,768,378
Total local and town collections	177,171,893	95,060,312	272,232,205
Total local expenses	(52,743,363)	(135,794,344)	(188,537,707)
Net local and town collections	\$ 124,428,530	(\$ 40,734,032)	\$ 83,694,498

Source: See *Collections and Costs of Operating the Circuit and General District Courts by Locality* report located at www.apa.virginia.gov

The expenses included in the Cash Collection and Expenses for Fiscal Year 2010 chart at the beginning of this section include all expenses incurred for court operations. These include Compensation Board reimbursements for Circuit Court Clerks, sheriffs, and some of their staff, and the salaries for all Circuit and District judges and all of the personnel of the District Court system paid by the Office of the Executive Secretary of the Supreme Court of Virginia.

In addition to personnel costs, the expenses include operating costs of the court and its facilities as reported by the localities for inclusion in the *Comparative Report of Local Government*

Revenues and Expenditures. The expenses do not include the cost of construction and maintenance of courthouse buildings. Each locality has its own courthouse facilities, and many of these buildings include local government operations other than just the courts.

Funding Overview

Grantee and grantor taxes for recording deeds are 92 percent of Circuit Courts' Commonwealth collections and 94 percent of Circuit Court Local collections. The recording of deeds attributes directly to a locality's ability to assess and collect property taxes. There are very few cases in Circuit Courts that arise from parallel local ordinances, and it appears that most of those cases are the result of appeals of District Court cases.

District Courts collect fines, costs, and fees for criminal, civil, and traffic cases. The District Courts collect fees for civil cases at the time of filing. For some traffic cases, defendants can prepay their fines and costs, otherwise the defendant must pay their fines and costs when the judge decides the case or they must make arrangements with the court to pay later. As a result, collections lag behind assessments.

The following tables provide analyses of Commonwealth and Local Collections for fiscal year 2010.

Commonwealth Collections Summary by Type

	Circuit Courts	District Courts
Civil Processing Fee	\$ 2	\$ 12,441,707
Costs - Commonwealth Cases	6,489,338	4,793,087
Deed Processing Fee	9,215,021	-
Fines and Bond Forfeitures	3,442,075	55,974,725
Grantee Tax	286,124,738	-
Grantor Tax	24,576,573	-
Marriage Licenses	1,125,180	-
Other Fees	26,224,974	51,971,739
Probate Tax	4,970,104	-
Process Fees	544,348	57,505,443
Total	\$362,712,354	\$182,686,702

Local Collections Summary by Type

	Circuit Courts	District Courts
Fines and Forfeitures	\$ 8,356,169	\$63,234,895
Local Grantee Tax	90,852,555	10
Local Grantor Tax	23,398,564	-
Other Fees	7,769,401	31,825,407
Total	\$130,376,690	\$95,060,312

Source: Office of the Executive Secretary of the Supreme Court of Virginia's Financial and Case Management Systems

Specific Funding Issues

The Commonwealth's Appropriations Act limits the number of sheriff's deputies that can serve as court house and court room security. Localities must pay for the use of deputies in excess of the Appropriations Act limits, unless ordered by a judge on a case by case basis. The apparent loss in the District Court portion of the Cash Collection and Expenses for Fiscal Year 2010 chart at the beginning of this section results from our estimate to allocate sheriff costs for court house and room security between District and Circuit Courts. Also, in localities where other local offices are located in the courthouse, a mechanism does not exist to allocate general costs.

The District Courts send their collections of local fines and costs to the Circuit Court. The Clerk of Circuit Court retains a commission on all local and Commonwealth collections before sending the funds to the locality.

SECTION 6: What Funding Policies Require Resolution?

The first section of this review asked the question, “Why can localities collect fines and fees for charges similar to state statutes?” The origin of the answer to the question arises from the fact that the Commonwealth has dealt piecemeal with the funding of the court system. While fundamental changes have occurred in the operations and finances of the court system over time, the Commonwealth has never addressed in a holistic approach the funding issue.

The General Assembly may wish to address the following funding issues.

1. Should counties and cities continue to have the authority to adopt ordinances that parallel state statutes and retain the fines, fees, and costs; and if so, should this process restrict funding to either education or the court system?
2. Counties and cities provide court facilities and, in some cases, staffing beyond that funded by the Commonwealth. Should the Commonwealth and locality share the cost of these expenses? If so, how should they share them?
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5. Should the Commonwealth continue to fund a portion of the Circuit Court Clerk functions for the recordation of land records; if so, what services should this funding cover?
6. Should the Clerks of the Circuit Courts continue to receive a commission for simply depositing the Commonwealth and individual locality’s collections with the appropriate Treasurer?
7. If the Commonwealth alters the funding for court services in the Circuit Court Clerk’s office, should the administrative responsibility for this funding move from the Compensation Board to the Supreme Court?

OBJECTIVES AND CONCLUSION

Objectives

The Appropriations Act 890 Item 1.2, 2-E requires the Auditor of Public Accounts to audit the extent to which localities are enforcing local ordinances and collecting fines relating to those ordinances that parallel state statutes and related penalties for the same offense.

Based on the review requirements, we defined the following objectives for this performance audit.

1. Determine why localities can adopt local ordinances that parallel state statutes.
2. Examine the historical reason for allowing localities to collect local fines and costs.
3. Examine the use of current local ordinances and funding generated.
4. Determine the current funding structure for the court system and how the allowance of local ordinances impacts that funding structure.

Scope

The Commonwealth's Court System contains Circuit and District Courts. Cases processed in both of these courts relate to either a Commonwealth violation or a local ordinance violation. For purposes of our review, where information is available, we have reviewed statutory authority contained within the entire Code of Virginia. We reviewed only data relating to fiscal year 2010 in order to provide a current perspective of usage. We excluded some data from this report as discussed in Appendix B.

Methodology

We conducted inquiries with the Office of the Executive Secretary of the Supreme Court of Virginia and the Division of Legislative Services. We reviewed prior General Assembly studies and the Code of Virginia to gain an understanding of the history behind the Commonwealth's Court system, its structure, and funding mechanisms. To determine current usage of local ordinances, we analyzed financial information including case and financial data from the Office of the Executive Secretary of the Supreme Court of Virginia's case and financial management systems.

Conclusion

Virginia localities assessed local fines and costs of \$152.5 million and collected \$95.1 million for the fiscal year ended June 30, 2010. Although the Commonwealth's General Fund has assumed direct responsibilities for paying salaries and expenses in both the District and Circuit Courts, neither of these changes occurred with corresponding statutory changes to address the policy of how the Commonwealth would address long term funding issues. While fundamental changes have occurred in the operations and finances of the court system over time, the Commonwealth has never addressed, in a holistic approach, the funding issues.



Commonwealth of Virginia

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September 28, 2011

The Honorable Robert F. McDonnell
Governor of Virginia

The Honorable Charles J. Colgan
Chairman, Joint Legislative Audit
and Review Commission

We have audited the current local ordinance and court funding structure and are pleased to submit our report entitled **Local Ordinances and the Funding of Courts**. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Exit Conference and Report Distribution

We discussed this report with management at the Office of the Executive Secretary of the Supreme Court of Virginia on September 26, 2011.

This report is intended for the information and use of the Governor and General Assembly, management, and the citizens of the Commonwealth of Virginia and is a public record.

AUDITOR OF PUBLIC ACCOUNTS

AG/clj

APPENDIX A

The charts below show the total amount of local fines and costs assessed and collected during fiscal year 2010 by city and by county. Town collections are included with the related city or county, if applicable.

Local Fines and Costs Assessed vs. Collected by City

Locality Name	Fines and Costs Assessed	Fines and Costs Collected
Alexandria	\$ 1,857,172	\$ 1,299,104
Bristol	507,403	317,247
Buena Vista	159,146	101,485
Charlottesville	555,285	415,123
Chesapeake	4,634,662	2,769,857
Colonial Heights	1,396,319	713,530
Danville	1,107,764	607,634
Emporia	2,399,017	1,251,427
Fairfax City	1,373,137	784,447
Falls Church	1,029,640	631,035
Franklin City	172,515	94,899
Fredericksburg	544,774	531,473
Galax	150,740	90,084
Hampton	3,184,945	1,840,090
Hopewell	1,621,217	1,042,495
Lynchburg	1,368,332	850,660
Martinsville	403,274	257,329
Newport News	3,757,760	2,490,427
Norfolk	2,650,101	2,410,264
Petersburg	1,553,407	925,354
Portsmouth	79,314	463,940
Radford	289,283	212,439
Richmond City	4,069,804	2,932,332
Roanoke City	1,300,724	1,055,479
Salem	428,140	266,219
Staunton	105,389	147,915
Suffolk	1,309,057	833,981
Virginia Beach	8,445,885	6,105,418
Waynesboro	181,309	190,377
Williamsburg	1,127,383	658,053
Winchester	356,961	331,617
Total for cities	\$ 48,119,859	\$ 32,621,734

Local Fines and Costs Assessed vs. Collected by County

Locality Name	Fines and Costs Assessed	Fines and Costs Collected
Accomack	\$ 551,236	\$ 392,621
Albemarle	1,547,431	928,314
Alleghany	251,689	232,093
Amelia	429,407	250,539
Amherst	1,061,094	636,964
Appomattox	87,554	108,089
Arlington	2,752,082	2,027,265
Augusta	596,169	508,297
Bath	1,167	22,933
Bedford County	570,464	438,177
Bland	538,715	370,272
Botetourt	232,298	226,203
Brunswick	1,328,157	763,073
Buchanan	11,284	59,833
Buckingham	136,390	106,659
Campbell	277,076	282,692
Caroline	1,084,884	660,248
Carroll	789,313	513,434
Charles City	96,560	62,141
Charlotte	415,053	250,445
Chesterfield	4,662,132	2,732,414
Clarke	541,026	340,154
Craig	3,202	12,377
Culpeper	525,651	399,757
Cumberland	300,338	183,120
Dickenson	104,263	88,600
Dinwiddie	2,891,533	1,691,708
Essex	239,178	201,734
Fairfax County	20,239,754	8,449,630
Fauquier	1,627,959	989,018
Floyd	41	25,786
Fluvanna	77,736	83,711
Franklin County	114,117	176,476
Frederick	877,383	633,477
Giles	398,333	230,743
Gloucester	305,295	235,838
Goochland	264,965	188,209

Local Fines and Costs Assessed vs. Collected by County
(continued)

Locality Name	Fines and Costs Assessed	Fines and Costs Collected
Grayson	87,041	60,350
Greene	376,136	262,658
Greensville	2,969,929	1,654,563
Halifax	385,164	306,865
Hanover	2,041,355	1,252,450
Henrico	7,514,760	4,317,369
Henry	270,853	255,143
Highland	932	16,615
Isle Of Wight	543,104	347,965
King And Queen	335,187	205,238
King George	567,071	341,412
King William	192,000	144,819
Lancaster	63,816	58,756
Lee	83,391	80,319
Loudoun	6,100,097	3,701,471
Louisa	607,744	393,401
Lunenburg	100,195	71,754
Madison	348,724	227,079
Mathews	44,810	28,972
Mecklenburg	1,038,532	672,107
Middlesex	149,084	83,133
Montgomery	879,609	764,570
Nelson	532,523	356,199
New Kent	365,973	299,308
Northampton	887,431	568,608
Northumberland	86,269	57,238
Nottoway	151,753	115,335
Orange	599,340	407,271
Page	168,433	144,647
Patrick	66,450	62,109
Pittsylvania	238,662	226,423
Powhatan	264,579	212,085
Prince Edward	314,214	259,981
Prince George	1,054,310	619,630
Prince William	7,121,628	4,717,299
Pulaski	178,163	190,859
Rappahannock	212,280	144,735

Local Fines and Costs Assessed vs. Collected by County
(continued)

Locality Name	Fines and Costs Assessed	Fines and Costs Collected
Richmond County	123,711	91,338
Roanoke County	2,332,336	1,246,788
Rockbridge	520,152	395,815
Rockingham	2,273,273	1,314,802
Russell	67,411	92,043
Scott	311,950	191,944
Shenandoah	619,474	475,076
Smyth	1,760,351	980,943
Southampton	1,373,380	723,472
Spotsylvania	1,810,860	1,175,751
Stafford	1,648,810	1,129,984
Surry	27,151	33,490
Sussex	1,924,857	1,134,856
Tazewell	509,430	336,390
Warren	673,158	462,191
Washington	1,376,228	844,589
Westmoreland	281,259	164,774
Wise	591,376	370,396
Wythe	2,687,365	1,682,558
York	604,026	459,599
Unavailable	2	-
Total for counties	\$104,389,028	\$62,438,578
Total for cities and counties	\$152,508,887	\$95,060,312

APPENDIX B

The report data relates to fiscal year 2010 and comes from one of three sources. Several of the summary financial activity schedules came from data reported in our annual report on the *Collections and Costs of Operating the Circuit and General District Courts by Locality*.

We obtained the remaining data from the Office of the Executive Secretary of the Supreme Court of Virginia's Case Management and Financial Systems. All courts in the Commonwealth, except for Alexandria, Fairfax, and Virginia Beach Circuit Courts, use this system. Some issues exist with the quality of the data recorded in this system as it does not contain any automated checks to verify the quality of the clerks' data entry of the Code of Virginia citations recorded on the uniform summons.

To gain comfort over the quality of this data, we compared the data used in this report to prior years and the Office of the Executive Secretary of the Supreme Court of Virginia's Financial Management System. Based on this comparison, we believe the data reasonably represents the amounts included in the report and has sufficient reliability to support our conclusion. The chart below shows a breakdown of data that was excluded from our analysis and ultimately the charts included in the report. We excluded data from the report for cases with no Code of Virginia section such as civil cases, cases where the section referenced was incorrect, and Commonwealth and local cases that had no parallel statutes.

	Case Count	Commonwealth Fines and Costs Assessed	Locality Fines and Costs Assessed	Total Fines and Costs Assessed
Data Included In This Study	1,950,405	\$150,240,347	\$152,508,887	\$302,749,234
Data Not Included *	<u>450,437</u>	<u>25,396,024</u>	<u>8,154,800</u>	<u>33,550,824</u>
Total	2,400,842	\$175,636,371	\$160,663,687	\$336,300,058

* Data excluded from the report includes cases with no code section such as civil cases, cases where the code section was incorrect, and Commonwealth and local cases that had no paralleling statutes.

APPENDIX C

As discussed in the section of the report “How much do localities get?” 96 percent of cases that parallel a state statute involve Title 46.2 of the Code of Virginia. This title governs the usage of and infractions relating to “Motor Vehicles” in the Commonwealth. This title alone makes up over 88 percent of all local fines and costs revenue. Regulation of traffic, covered by Section 46.2-800 through 46.2-947 of the Code of Virginia, consists of 70.7 percent of local fines and costs revenues. This includes items such as accidents, reckless driving and improper driving, speeding, traffic signs, lights, markers, etc. The chart below contains a breakdown of “Motor Vehicles” infraction revenue by chapter and article from the Code of Virginia.

Fiscal Year 2010 Motor Vehicles Infraction Revenue By Chapter and Article

Chapter Article	Commonwealth Cases	Local Cases	Total
Abandoned, Immobilized, Unattended, and Trespassing Vehicles; Parking			
Abandoned Vehicles	\$ 2,270	\$ 854	\$ 3,124
Immobilized and Unattended Vehicles	2,775	5,239	8,014
Trespassing Vehicles, Parking, and Towing	1,236	15,038	16,274
Total	6,281	21,131	27,412
Licensure of Drivers			
Accident Reports	4,260	2,712	6,972
Commercial Driver's Licenses	103,767	20,899	124,666
Habitual Offenders	221,352	45,080	266,432
Licensure of Minors, Student Drivers, School Bus Drivers, and Motorcyclists	79,880	96,357	176,237
Obtaining Licenses, Generally	189,593	229,211	418,804
Prohibited Uses of Driver's Licenses	119,980	166,182	286,163
Suspension and Revocation of Licenses, Generally; Additional Penalties	13,035	7,070	20,105
Unlicensed Driving Prohibited When License Not Required	11,079,291	16,971,928	28,051,219
Total	11,913,722	17,617,902	29,531,624

Chapter Article	Commonwealth Cases	Local Cases	Total
Motor Vehicle and Equipment Safety			
Brakes	85,767	118,356	204,123
Child Restraints	667,831	369,938	1,037,769
Exhaust System	361,651	326,380	688,031
Horns, Sirens, and Whistles	4,831	5,777	10,608
Lights and Turn Signals	365,603	764,422	1,130,025
Loads and Cargoes	67,754	83,381	151,135
Maximum Vehicle Lengths	245,845	254,526	500,371
Maximum Vehicle Size, Generally	689	1,922	2,611
Maximum Vehicle Weights	319	1,139	1,458
Maximum Vehicle Widths and Heights	37,000	9,850	46,850
Miscellaneous Equipment	1,048,132	919,262	1,967,394
Permits for Excessive Size and Weight	326,305	16,908	343,213
Safety Belts	1,085,755	710,888	1,796,643
Safety Inspections	5,030,473	7,474,592	12,505,065
Steering and Suspension Systems	43,074	47,421	90,495
Tires	172,806	69,474	242,280
Vehicle and Equipment Safety, Generally	3,218,726	4,688,537	7,907,263
Windshields and Windows	1,756,367	1,445,039	3,201,406
Total	14,518,929	17,307,811	31,826,740
Motor Vehicle Dealers			
Conduct of Business	167	35	202
Dealer's License Plates	2,521	1,391	3,912
Issuance of Temporary License Plates by Dealers	16,382	7,809	24,192
Motor Vehicle Dealer Licenses	1,445	171	1,616
Total	20,516	9,406	29,922
Regulation of Passenger Carriers			
Contract Passenger Carriers	13,117	297	13,414
Motor Carriers of Passengers-Generally	1,866	176	2,042
Total	14,983	473	15,456
Regulation of Property Carriers			
Motor Carriers of Property-Generally	114,296	432	114,728
Total	114,296	432	114,728

Chapter Article	Commonwealth Cases	Local Cases	Total
Regulation of Traffic			
Accidents	537,750	169,377	707,126
Bicycles	2,458	6,699	9,156
Emergency Vehicles	202,625	178,288	380,912
General and Miscellaneous	2,628,471	4,045,219	6,673,689
Legal Procedures and Requirements	174,835	22,229	197,064
Motorcycles and Mopeds and All-Terrain Vehicles	53,242	85,722	138,964
Passing	412,155	441,846	854,001
Pedestrians	42,298	96,508	138,806
Railroad Crossing	3,018	6,058	9,076
Reckless Driving and Improper Driving	18,437,544	11,102,055	29,539,599
Right of Way	791,175	4,110,072	4,901,247
Signals by Drivers	118,155	234,469	352,624
Speed	36,606,847	64,882,085	101,488,932
Stopping on Highways	205,412	179,398	384,811
Traffic Signs, Lights, and Markings	3,526,232	14,557,730	18,083,962
Turning	112,762	720,303	833,065
Total	63,854,978	100,838,058	164,693,036
Titling and Registration of Motor Vehicles			
Exemptions from Registration	14,573	11,257	25,830
Fees for Registration	303,999	14,287	318,286
License Plates, Generally	719,762	556,838	1,276,600
Reciprocity for Nonresidents	520	2,100	2,620
Registration of Uninsured Motor Vehicles	514,399	593,243	1,107,642
Registration of Vehicles	1,886,096	1,851,653	3,737,749
Special License Plates	3,605	1,705	5,310
State and Local Motor Vehicle Registration	59,712	337,522	397,234
Temporary Registration	530	131	661
Titling and Registration Generally	134,243	130,112	264,355
Titling Vehicles	16,917	9,777	26,694
Total	3,654,357	3,508,625	7,162,982
No Detail	1,504,102	3,408,874	4,912,976
Grand Total	\$ 95,602,163	\$142,712,713	\$238,314,876

APPENDIX D

Virginia's Constitutions and Other Changes in the Judicial System

