

**Handheld Photo Speed Monitoring Device  
Workgroup**

**A Report to the Senate Committee for Courts of Justice, Senate  
Finance Committee, House Committee for Courts of Justice, and  
the House Committee on Appropriations**



**October 2019**

**The Honorable Brian J. Moran  
Secretary of Public Safety and Homeland Security**

## **Purpose**

Senate Bill 1521 as approved on April 3, 2019, directed the "The Secretary of Public Safety and Homeland Security, in consultation with the Virginia State Police, the Virginia Sheriffs' Association, and the Virginia Association of Chiefs of Police, shall review the proposed use of handheld photo speed monitoring devices and consider legal and constitutional implications of dedicating civil penalties to any fund other than the Literary Fund. The Secretary of Public Safety and Homeland Security shall report the results of such review to the Chairmen of the Senate Committee for Courts of Justice, the Senate Committee on Finance, the House Committee for Courts of Justice, and the House Committee on Appropriations by November 1, 2019".

## **Background**

The Secretary of Public Safety and Homeland Security established a workgroup of stakeholders to review the proposed legislation for the use and deployment of handheld photo speed monitoring equipment, and review existing equipment currently utilized by law enforcement for applicability in the Commonwealth.

The composition of the "Handheld Photo Speed Monitoring Device Workgroup" (The Workgroup) included representation from the Virginia Department of Transportation, the American Automobile Association (AAA), the Virginia Sheriff's Association, the Virginia Association of Chiefs of Police, McGuire Woods Consulting, Finkbeiner Law and Policy, the Office of the Attorney General, the Division of Legislative Services, and the Virginia State Police.

The Workgroup met on August 29, 2019 in the Patrick Henry Building and was welcomed by the Honorable Brian Moran, Secretary of Public Safety and Homeland Security. The workgroup was assembled to view demonstrations of handheld photo speed equipment systems presented by invited vendors, and address the fundamentals of SB-1521 for enforcement applicability and provide any suggested language revisions.

## **Equipment Review**

Two vendors attended the meeting in order to demonstrate their equipment and their application software to the committee.

Optotraffic provided a presentation and issued a proprietary and confidential document that included a company overview, key features of their Dragon Cam™ Handheld Photo Speed Enforcement System, and daytime and nighttime Image bracketing. Optotraffic explained that their product has been well received in the law enforcement industry and allowed participants to view the Dragon Cam device. Dragon Cam can be operated independently, or it can be connected to a personal computer for incident processing. The system is GPS-based, it self-calibrates, and it generates an incident log. Enforcement thresholds are pre-set and cannot be changed or manipulated by the user. The device has automated image "bracketing." The system takes six consecutive photographs and each image auto adjusts to light. The program enables law enforcement to either accept or reject pictures and incidents on site.

Verra Mobility also presented to the Workgroup on its safety camera system functionality and operations.

The Verra mobility system has three deployment options: fixed, transportable, and handheld. The key objective of the system is to turn the video into an enforceable charge (summons). The system provides a 30 second review of an event, offers a 4G LTE network back office review in partnership with the Department of Motor Vehicles for registered owner identification. The photo enforcement device is currently being utilized in Ohio and Georgia and it supports all major tolling authorities and their core systems.

Both systems presented work similarly in that they capture the violator vehicle through a camera system, query vehicle registration files, produce a summons that is a civil violation, obtain law enforcement verification, and mail the summons to the vehicle's owner. The systems either allow law enforcement to purchase the necessary equipment or it can be provided with no direct cost for an administrative fee for each summons produced and adjudicated.

Future consideration of either system at the state level will require complete VITA review as neither system has been approved for operation in the Commonwealth.

### **Legislation**

Following the vendor presentations, discussions focused on the language of SB-1521 and specifically the applicability to specific highways and its availability to all law enforcement in Virginia. The proposed language states: "The Department of State Police may operate a handheld photo speed monitoring device in highway work zones for the purposes of recording violations of 46.2-878.1."

The Workgroup identified their concerns restricting the use of handheld photo speed detection to use by only the Virginia State Police. The Workgroup discussed the intent of the bill as a means to enhance highway safety by addressing the problem of speeding in work zones. Additionally, the legislation was carefully drafted to limit photo speed enforcement to the Virginia State Police in order to determine if it was an effective means of increasing safety and then potentially expand use to other law enforcement entities. The Workgroup communicated their desires to have the legislation amended to allow all law enforcement, Sheriff's Offices and local police departments, to deploy the equipment in work zones in their jurisdictions.

### **Conclusion**

A sub-Workgroup meeting occurred on September 18, 2019, to conclude and finalize the topical discussions held during the first Workgroup meeting and consider revised language acceptable to stakeholders. Representatives from the Virginia Sheriff's Association, Virginia State Police, Division of Legislative Services, and McGuire Woods Consulting were in attendance. The Virginia Association of Chiefs of Police was invited but did not attend.

Revised legislation drafted during the second Workgroup meeting was sent to all stakeholders on October 4, 2019, allowing time for a review of the language and

requesting any responses be provided by October 15, 2019. No formal response was received from any stakeholder group therefore the revised proposed legislation is not part of this report.

Finally, the Attorney General's Office opinion regarding the dedication of civil penalties to a fund other than the Literary Fund is enclosed.

# VIRGINIA ACTS OF ASSEMBLY -- 2019 RECONVENED SESSION

## CHAPTER 842

*An Act to amend and reenact § 46.2-882 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-882.1, relating to handheld photo speed monitoring devices.*

[S 1521]

Approved April 3, 2019

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-882 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-882.1 as follows:**

**§ 46.2-882. Determining speed with various devices; certificate as to accuracy of device; arrest without warrant.**

The speed of any motor vehicle may be determined by the use of (i) a laser speed determination device, (ii) radar, (iii) a microcomputer device that is physically connected to an odometer cable and both measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle, ~~or~~ (iv) a microcomputer device that is located aboard an airplane or helicopter and measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle being operated on highways within the Interstate System of highways as defined in § 33.2-100, *or (v) a handheld photo speed monitoring device as defined in § 46.2-882.1.* The results of such determinations shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceeding where the speed of the motor vehicle is at issue.

In any court or legal proceeding in which any question arises about the calibration or accuracy of any laser speed determination device, radar, ~~or~~ microcomputer device, *or handheld photo speed monitoring device* as described in this section used to determine the speed of any motor vehicle, a certificate, or a true copy thereof, showing the calibration or accuracy of (i) the speedometer of any vehicle, (ii) any tuning fork employed in calibrating or testing the radar or other speed determination device or (iii) any other method employed in calibrating or testing any laser speed determination device *or handheld photo speed monitoring device*, and when and by whom the calibration was made, shall be admissible as evidence of the facts therein stated. No calibration or testing of such device *or system* shall be valid for longer than six months.

The driver of any such motor vehicle may be arrested without a warrant under this section if the arresting officer is in uniform and displays his badge of authority and if the officer has observed the registration of the speed of such motor vehicle by the laser speed determination device, radar, or microcomputer device as described in this section, or has received a radio message from the officer who observed the speed of the motor vehicle registered by the laser speed determination device, radar, or microcomputer device as described in this section. However, in case of an arrest based on such a message, such radio message shall have been dispatched immediately after the speed of the motor vehicle was registered and furnished the license number or other positive identification of the vehicle and the registered speed to the arresting officer.

Neither State Police officers nor local law-enforcement officers shall use laser speed determination devices or radar, as described herein in airplanes or helicopters for the purpose of determining the speed of motor vehicles.

State Police officers may use laser speed determination devices, radar, ~~and/or~~ microcomputer devices, *or handheld photo speed monitoring devices* as described in this section. All localities may use radar and laser speed determination devices to measure speed. The Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within such counties may use microcomputer devices as described in this section.

The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper equipment used to determine the speed of motor vehicles and shall advise the respective law-enforcement officials of the same. Police chiefs and sheriffs shall ensure that all such equipment and devices purchased on or after July 1, 1986, meet or exceed the standards established by the Division.

**§ 46.2-882.1. Use of handheld photo speed monitoring devices in highway work zones; penalty.**

*A. For the purposes of this section:*

*"Handheld photo speed monitoring device" means handheld equipment that uses LIDAR-based speed detection that produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.*

*"Highway work zone" has the same meaning ascribed to it in § 46.2-878.1.*

*B. The Department of State Police may operate a handheld photo speed monitoring device in highway work zones for the purposes of recording violations of § 46.2-878.1.*

*1. A handheld photo speed monitoring device may be used only by a law-enforcement officer*



employed by the Department of State Police who is physically present in or around the highway work zone where a law-enforcement vehicle is present and displaying lighted blue or blue combination lights to record images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within such highway work zone.

2. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a handheld photo speed monitoring device, to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within such highway work zone. Such civil penalty shall not exceed \$125, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section shall be paid into the state treasury and allocated to the Department of State Police. For any fiscal year, if the total amount collected from the penalties pursuant to this section is greater than 10 percent of the budget of the Department of State Police for the fiscal year after the costs of implementing and administering handheld photo speed monitoring devices are recovered, the state treasury shall allocate such moneys that exceed 10 percent of the total budget of the Department of State Police to the Literary Fund.

3. If a handheld photo speed monitoring device is used, proof of a violation of § 46.2-878.1 shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a Virginia State Police officer, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a handheld photo speed monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation of § 46.2-878.1.

4. In the prosecution for a violation of § 46.2-878.1 in which a summons was issued pursuant to this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of § 46.2-878.1, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of § 46.2-878.1, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

5. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

6. A summons for a violation of § 46.2-878.1 issued pursuant to this section shall be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Department; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subdivision 4 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a violation of § 46.2-878.1 issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a handheld photo speed monitoring device in connection with the violation. If the Department of State Police does not execute a summons for a violation of § 46.2-878.1 issued pursuant to this section within 14 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 16 days from the date of the violation.

7. Information collected by a handheld photo speed monitoring device operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of highway work zone speeding violations. Information provided to the operator of a handheld photo speed monitoring device shall be protected in a database with security comparable to that of the Department's system and used only for enforcement against individuals who violate the provisions of this section or § 46.2-878.1. Notwithstanding any other provision of law, all photographs, microphotographs, electronic



images, or other personal information collected by a handheld photo speed monitoring device shall be used exclusively for enforcing highway work zone speed limits and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the enforcement of highway work zone speed limits or to a vehicle owner or operator as part of a challenge to the violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or § 46.2-878.1, or such information is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. Any Virginia State Police division using handheld photo speed monitoring devices shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subdivision shall be subject to a civil penalty of \$1,000 per disclosure.

8. A conspicuous sign shall be placed within 1,000 feet of any highway work zone at which a handheld photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.

2. That a private entity may enter into an agreement with the Department of State Police to be compensated for providing a handheld photo speed monitoring device and all related support services, including consulting, operations, and administration. However, only a law-enforcement officer employed by the Department of State Police may operate a handheld photo speed monitoring device and only a law-enforcement officer employed by the Department of State Police may swear to or affirm the certificate required by subdivision B 3 of § 46.2-882.1 of the Code of Virginia, as created by this act. The Department of State Police shall enter into an agreement for compensation based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed.

3. That the provisions of the first and second enactments of this act shall not become effective unless reenacted by the 2020 Session of the General Assembly.

4. The Secretary of Public Safety and Homeland Security, in consultation with the Virginia State Police, the Virginia Sheriffs' Association, and the Virginia Association of Chiefs of Police, shall review the proposed use of handheld photo speed monitoring devices and consider legal and constitutional implications of dedicating civil penalties to any fund other than the Literary Fund. The Secretary of Public Safety and Homeland Security shall report the results of such review to the Chairmen of the Senate Committee for Courts of Justice, the Senate Committee on Finance, the House Committee for Courts of Justice, and the House Committee on Appropriations by November 1, 2019.



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring  
Attorney General

202 North Ninth Street  
Richmond, Virginia 23219  
804-786-2071  
Fax 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

December 30, 2019

The Honorable Brian J. Moran  
Secretary of Public Safety and Homeland Security  
Patrick Henry Building  
1111 East Broad Street  
Richmond, VA 23219

Dear Secretary Moran:

This letter is in response to your request for advice concerning the legal and constitutional implications of allocating civil penalties collected under the authority of Senate Bill 1521 to a fund other than the Literary Fund.

## Background

In 2019, the General Assembly approved Senate Bill 1521 (S.B. 1521), which anticipates amending § 46.2-882 and adding § 46.2-882.1 to the Code to authorize the use of handheld photo speed monitoring devices by State Police officers to determine the speed of vehicles in highway work zones.<sup>1</sup> The bill provides that a violation of the posted highway work zone speed limit as described in § 46.2-882.1<sup>2</sup> is punishable by a monetary civil penalty and further, that the penalties collected under the bill are to be allocated generally to Department of State Police.<sup>3</sup> Prior to enactment, Governor Northam amended the bill to state that “[t]he Secretary of Public Safety and Homeland Security, in consultation with the Virginia State Police, the Virginia Sheriffs’ Association, and the Virginia Association of Chiefs of Police, shall review the proposed use of handheld photo speed monitoring devices and consider legal and

---

<sup>1</sup> 2019 Va. Acts ch.842.

<sup>2</sup> That is, if the vehicle is “traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within [the] highway work zone.” *Id.*

<sup>3</sup> *Id.* S.B. 1521 provides that if the penalties collected in a fiscal year are in excess of ten percent of the total budget of the Department of State Police for the same fiscal year, after recovery of costs incurred in implementing and administering the handheld photo speed monitoring devices, those monies in excess of ten percent of the budget shall be allocated to the Literary Fund. *Id.*



constitutional implications of dedicating civil penalties to any fund other than the Literary Fund.”<sup>4</sup> The bill further provides that its substantive provisions with respect to the use of handheld photo speed monitoring devices and assessment of civil penalties shall not become effective unless reenacted by the 2020 Session of the General Assembly.<sup>5</sup>

### Issue Presented

You inquire whether S.B. 1521, by allocating generally to the Department of State Police the civil penalties collected for certain violations involving speeding in highway work zones, violates Article VIII, § 8 of the Virginia Constitution, which requires that “all fines collected for offenses committed against the Commonwealth” are to be paid to the Literary Fund.<sup>6</sup>

### Applicable Law and Discussion

If S.B. 1521 is reenacted in the upcoming session, § 46.2-882.1 will permit the use of handheld photo speed monitoring devices by the Department of State Police in highway work zones. Specifically, subsection B of § 46.2-882.1 will provide that “[t]he Department of State Police may operate . . . handheld photo speed monitoring device[s] in highway work zones for the purposes of recording violations of § 46.2-878.1.”<sup>7</sup> As proposed, § 46.2-882.1(B)(2) provides for monetary civil penalties for operators of vehicles who violate the section, as follows:

The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a handheld photo speed monitoring device, to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within such highway work zone. Such civil penalty shall not exceed \$125, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions.

In general, the civil penalties collected are to be allocated to the Department of State Police. Section 46.2-882.1(B)(2), as proposed, further provides:

Civil penalties collected under this section shall be paid into the state treasury and allocated to the Department of State Police. For any fiscal year, if the total amount collected from the penalties pursuant to this section [resulting from summons issued by law-enforcement officers employed by the Department of State Police] is greater than 10 percent of the budget of the Department of State Police for the fiscal year after the costs of implementing and administering handheld photo speed monitoring devices are recovered, the state treasury shall allocate such moneys that exceed 10 percent of the total budget of the Department of State Police to the Literary Fund.

In my opinion, Article VIII, § 8 of the Virginia Constitution imposes no bar to this arrangement because of the distinction drawn between criminal fines and pecuniary penalties in *The Southern Express*

---

<sup>4</sup> *Id.* at enacting clause 4.

<sup>5</sup> *Id.* at enacting clause 3.

<sup>6</sup> VA. CONST. art. VIII, § 8.

<sup>7</sup> Section 46.2-878.1 provides that “[o]peration of any motor vehicle in excess of a maximum speed limit established specifically for a highway work zone, when workers are present and when such highway work zone is indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and constitute a traffic infraction punishable by a fine of not more than \$500.”

*Co. v. Commonwealth, ex rel. Walker*.<sup>8</sup> In this decision, the Supreme Court of Virginia found that a forfeiture was not a “fine” collected for offenses against the Commonwealth:

What “fines” are here intended or comprehended? The answer is found in the language of the Constitution itself. They are “fines collected for offences against the State,” that is fines imposed by law as punishment for crime. Fines constitute in whole or in part the punishment for many of the smaller offences at common law, and also for many offences created by statute, and these are the “fines” which the constitutional provision was designed to cover. *It comprehends only those fines which are affixed as penalties for crime and are recoverable upon conviction of the offender, and does not embrace those pecuniary penalties or forfeitures provided by statute, that a popular or qui tam action (which is a civil action) may be brought to recover.*<sup>9</sup>

Section 46.2-882.1(B)(2), as proposed, will impose a monetary civil penalty only, and not a criminal fine. Further, the intended language of § 46.2-882.1(B)(5) provides that “[i]mposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed . . . .”<sup>10</sup> Based on the analysis in *Southern Express Co.* and the statutory language approved by the General Assembly, it is my view that S.B. 1521 does not impose a “fine” for an offense against the Commonwealth and will not, therefore, violate Article VIII, § 8 of the Virginia Constitution.

In further support of this position, § 46.2-114 provides:

All fines or forfeitures collected on conviction of any person charged with a violation of any of the provisions of this title punishable as felonies, misdemeanors, or traffic infractions shall be paid into the state treasury to be credited to the Literary Fund *unless a different form of payment is required specifically by this title.*<sup>11</sup>

By imposing a civil penalty and not a criminal fine, the proposed § 46.2-882.1 clearly provides a different form of payment for certain violations of posted highway work zone speed limits. Thus, in my view, S.B. 1521 raises no constitutional concerns. Because the penalties authorized by the proposed statute are not criminal fines, “the General Assembly has the authority to appropriate [such] penalties elsewhere than to the Literary Fund.”<sup>12</sup>

---

<sup>8</sup> 92 Va. 59, 22 S.E. 809 (1895), aff’d 168 U.S. 705 (1897). *See also* 2011 Op. Va. Att’y Gen. 34 (because the civil penalties collected by localities in enforcing their traffic light laws do not constitute “fines for offenses against the Commonwealth,” the General Assembly constitutionally may permit localities to retain such funds).

<sup>9</sup> *Southern Express*, at 62, 22 S.E. at 809 (emphasis added).

<sup>10</sup> 2019 Va. Acts ch. 842.

<sup>11</sup> VA. CODE ANN. § 46.2-114 (2017) (emphasis added). Instances where funds are not required to be paid to the Literary Fund include: VA. CODE ANN. § 46.2-1308 (2017) (fines imposed for violations of traffic ordinances in counties, cities, and towns shall be paid to into the applicable county, city or town treasury); VA. CODE ANN. § 46.2-1131 (2017) (processing fees for violation of weight limits shall be paid to the state treasury and set aside as a special fund to be used to meet the expenses of the Department of Motor Vehicles); VA. CODE ANN. § 46.2-613.1 (2017) (civil penalties and processing fees for violation of statute’s provisions relating to truck or tractor trucks shall be paid into either the Commonwealth Transportation Fund or the state treasury, as directed under the statute); and VA. CODE ANN. § 46.2-1098 (2017) (civil penalties for violations of Article 13, Chapter 10 of Title 46.2 shall be paid into the Child Restraint Device Special Fund).

<sup>12</sup> 1977-78 Op. Va. Att’y Gen. 162, 165 (civil penalties imposed under the Water Control Law may be disposed of other than by allocation to the Literary Fund, according to the direction of the General Assembly); *see also* 1986-

### Conclusion

Accordingly, it is my view that because the civil penalties to be allocated to the Department of State Police under § 46.2-882.1 do not constitute “fines collected for offenses committed against the Commonwealth,” the General Assembly may constitutionally permit the Department of State Police to receive such funds under Senate Bill 1521.

With kind regards, I am,

Very truly yours,

A handwritten signature in black ink, appearing to read "Victoria N. Pearson". The signature is fluid and cursive, with a large, sweeping loop at the end.

Victoria N. Pearson  
Deputy Attorney General

---

87 Op. Va. Att’y Gen. 66, 67 (“fines” required to be paid into the Literary Fund do not include “monetary penalties” assessed by different state boards that regulate professional occupations).