REPORT OF THE VIRGINIA INDIGENT DEFENSE COMMISSION

Interim Report on Fees and Costs (2026 Appropriation Act, Item 40.F.2.)

TO THE GOVERNOR AND THE GENERAL ASSEMBLY OF VIRGINIA

HOUSE DOCUMENT NO. 9

COMMONWEALTH OF VIRGINIA
RICHMOND
2026

VIRGINIA DEFENDERS
INDIGENT DEFENSE COMMISSION

TO: The Governor of Virginia, General Assembly, Chair of the Senate Finance and Appropriations Committee, Chair of the House Appropriations Committee, Chair of Senate Courts, Chair of House Courts, and Delegate Cousins

FROM: The Virginia Indigent Defense Commission, The Office of the Executive Secretary and the members of the Fees and Costs Workgroup

SUBJECT: Interim Report on Fees and Costs (Item 40 of Budget Bill - HB30)

DATE: October 30, 2026

On behalf of the Virginia Indigent Defense Commission and the Office of the Executive Secretary of the Supreme Court, please find attached the interim report on Fees and Costs requested via Item 40 of the Budget Bill - HB30 (Virginia Acts of Assembly - 2026 Special Session I).

Please reach out with any questions. We look forward to continuing to work on this issue in the upcoming year and providing a final report by November 1, 2027.

Sincerely,



Alison Powers
Director of Policy & Education
Virginia Indigent Defense Commission

Fees and Costs Workgroup: Interim Report

Table of Contents

I. Introduction 2
II. Fees and Costs v. Fines 2
III. Virginia Fee Structure 3
    A. Fixed Fee Structure 3
    B. Situational or "Add-on" Fees 6
IV. Allocation and Use of Funds 11
    A. Collection Rates 12
    B. Delinquency 14
V. Charging for Constitutional Rights/Lawyer's Ethical Duties 14
    A. Jury Trial 14
    B. Court Appointed Counsel Fees 16
    C. Confrontation Rights 16
    D. Competency 17
VI. Example 17
VII. Areas of Further Study 19
VIII. Recommendations 20
IX. Appendices 20
    A. Appendix A: Workgroup Members 20
    B. Supreme Court of Virginia Chart of Allowances 20
    C. Circuit Court Clerks' Manual - Criminal: Appendix B & C 20
    D. Flow of Funds - Commonwealth Court System 20
    E. FC_499_ Assessed_paid_2013_2024 20

I. Introduction

Item 40 of Budget Bill - HB30 (Virginia Acts of Assembly - 2026 Special Session I) states:

F.1. The Indigent Defense Commission, in consultation with the Executive Secretary of the Supreme Court or his designee, shall convene a work group composed of all relevant stakeholders, including the Attorney General or his designee and representatives from the Compensation Board, the Virginia State Crime Commission, the Virginia Joint Legislative Audit and Review Commission, the Virginia Court Clerks' Association, the Virginia Association of Commonwealth's Attorneys, the Virginia Probation and Parole Association, staff from the House Appropriations and Senate Finance and Appropriations Committees, and two criminal justice reform organizations with relevant expertise.

2. The work group shall examine fees, fines, and other financial assessments imposed in criminal prosecutions, including amounts assessed and collected by type of offense, any guidelines or data related to the fees assessed for various types of cases, use of collected funds to include any programs such funds support, state and local reimbursement, imposition of costs on delinquent accounts, and practices used by other states. The work group shall submit an interim executive summary and report of its findings and recommendations to the Governor and the General Assembly by November 1, 2026, and a final report no later than November 1, 2027.

Pursuant to this language, the Virginia Indigent Defense Commission (VIDC) and the Office of the Executive Secretary of the Supreme Court (OES) recruited the above listed stakeholders, along with others with specialized expertise in financial reporting within the state. A list of the workgroup members can be found in Appendix A.

The full workgroup met on August 26, 2026 and October 13, 2026. The technical subgroup met on September 14, 2026.

II. Fees and Costs v. Fines

Given the breadth of the study language, VIDC and OES decided to start the workgroup by using HB852 and HB660 from the 2026 Session as guides for our initial inquiry.

We also clarified in our first meeting that the group will be discussing fees and costs and will not discuss fines. Although “fines and fees” is the common term for costs assessed to those with criminal convictions, they are assessed in two very different ways.

Fines are a fixed or variable penalty, set forth in the Code of Virginia, that is imposed by the sentencing judge. For example, in the case of a standard first DUI charged and convicted under § 18.2-266, part of the penalty outlined in § 18.2-270 is a mandatory minimum fine of $250.

By contrast, fees (or costs) are not intended as punishment, but as a source of revenue. "Payment of costs is no part of the sentence of the court, and constitutes no part of the penalty or punishment prescribed for the offense…[T]hey are… for the sole purpose of replacing in the treasury the amount which the defendant himself has caused to be withdrawn from it." *Angela v. Commonwealth*, 51 Va. 696, 701 (1853). *See* Section VI of this report for information about fees associated with a DUI conviction under § 18.2-266.

III. Virginia Fee Structure

Financial assessments in Virginia criminal prosecutions are determined by a combination of mandatory fixed fees and situational "add-on" costs that may be mandatory or otherwise depend on the specific circumstances of a case.

A. Fixed Fee Structure

Upon conviction for a felony or misdemeanor, the court assesses a set of "fixed" fees. These are standardized costs required by the Code of Virginia and are generally applied to all convictions of a specific type (e.g., felony vs. misdemeanor). Even if a judge suspends a fine, these court costs are automatically assessed by the clerk upon conviction or deferred disposition.

In a **circuit court**, the fixed fees for convictions are listed below:

Fee/Assessment	Amount	Code Section	Notes
Fixed Fee: Felony	**$375**	§ 17.1-275.1	Assessed upon conviction or deferred disposition of a felony.
Fixed Fee: Misdemeanor	**$80**	§ 17.1-275.7	Assessed upon conviction or deferred disposition of a misdemeanor not originally charged as a felony.
Fixed Fee: Felony Reduced to Misdemeanor	**$227**	§ 17.1-275.2	Assessed when a felony charge is reduced to a misdemeanor conviction.
Fixed Drug Misdemeanor Fee	**$296.50**	§ 17.1-275.8	Specifically for drug-related misdemeanor convictions.
Fixed Revocation Fees	**$158/$77**	§ 17.1-275.3 (Felony) / § 17.1-275.9 (Misdemeanor)	Assessed upon certain probation or suspended sentence revocations.

In a **district court**, the fixed fees for convictions are listed below:

Fee/Assessment	Amount	Code Section	Notes
Fixed Fee: Misdemeanor	**$61**	§ 16.1-69.48:1	Assessed upon conviction or deferred disposition of a misdemeanor.
Fixed Fee Misdemeanor: Certain Conviction Types	**$136**	§ 16.1-69.48:1(C)	Assessed upon conviction or deferred disposition of any misdemeanor listed in Article 1 of Chapter 7 of Title 18.2 - generally drugs, DUI and weapons charges).
Fixed Fee: Traffic Infraction	**$51**	§ 16.1-69.48:1(D)	Applies to traffic infractions only.

B. Situational or "Add-on" Fees

Many assessments are not universal because they are triggered only by specific events or requirements within a case. Under § 17.1-275.5, the circuit court clerk adds these costs only if they are applicable to the proceedings. These are in *addition* to the fixed fees. Their application is contingent on the specific facts, procedural history, or requirements of an individual case.

Examples include:

Fee/Assessment	Amount	Code Section	Trigger / Conditions
Drug Offender Fee	**$150 per felony conviction, including those under § 18.2-251**	§ 17.1-275(A)(10)	Applied for Article 1, Chapter 7, Title 18.2 convictions (Drug Offender Assessment/Treatment Fund).
Legal Representation	**Amount dependent on case type, however, fees assessed to the client are capped at the amounts they would have owed on June 30, 2024, pursuant to § 19.2-163(4)**	§ 17.1-275.5(A)(1), § 19.2-163	Amount paid by the Commonwealth for court-appointed counsel.
Trial Transcripts	**Dependent**	§ 17.1-275.5(A)(2)	Cost of transcripts if requested/produced for the case.

Fee/Assessment	Amount	Code Section	Trigger / Conditions
Extradition Costs	**Dependent**	§ 17.1-275.5(A)(3)	Applied if extradition occurred.
Psychiatric Evaluation	**Dependent (ex. $700, competency evaluation under § 19.2-169.1)**	§ 17.1-275.5(A)(4)	Applied if the court ordered a psychiatric evaluation, including competency, *see attached Chart of Allowances*.
Jury Costs	**$50 per juror per day pursuant to § 17.1-618**	§ 17.1-275.5(A)(7)	Applied if a jury trial occurred (§ 17.1-618, 17.1-619).
Ignition Interlock Costs	**Dependent**	§ 17.1-275.5(A)(10)	Applied in alcohol/DUI cases requiring device installation.
Courthouse Security	**Up to $20/criminal or traffic case in district court**	§ 17.1-275.5(A)(13)	Local fee for security personnel (§ 53.1-120).
DNA Sample Fee	**$53**	§ 17.1-275.5(A)(14)	Applied for mandatory DNA sampling upon conviction (§ 19.2-310.2).
Training Academy Fee	**Not listed**	§ 17.1-275.5(A)(16)	Local fee for criminal justice training (§ 9.1-106).
Electronic Summons	**$5/case in district court**		Fee for local electronic summons system (§ 17.1-279.1). Applies to VSP pursuant to § 17.1-275.14

Fee/Assessment	Amount	Code Section	Trigger / Conditions
"Additional Fee"	**$2/case**	§ 17.1.-275.10	"Add-on" but mandatory to the Intensified Drug Enforcement Jurisdiction Fund beginning May 1, 2003.
DUI Specific Fees	**$100/conviction**	§ 17.1-275.11	Applied for specific traffic/DUI convictions (e.g., § 18.2-266).
Computer Analysis	**Up to $100/computer**	§ 17.1-275.11:1	Applied if forensic analysis reveals evidence used at trial (up to $100/computer).
Internet Crimes Against Children Fund	**$15/misdemeanor or felony conviction**	§ 17.1-275.12	"Add-on" but mandatory and disbursed to entities listed in the statute
Sex Trafficking Offense Related Fee	**$100/conviction for certain offenses** **$500/conviction for certain offenses**	§ 17.1-275.13	Applied to certain sexual convictions. All fees collected pursuant to this section shall be deposited into the Virginia Prevention of Sex Trafficking Fund to be used in accordance with § 9.1-116.4.
Virginia Sexual and Domestic Violence Fund	**$500/conviction**	§ 17.1-275.15	Applied to specific sexual convictions. All fees collected pursuant to this section shall be deposited into the state treasury, credited to the Virginia Sexual and Domestic Violence Victim Fund, and designated for funding support services for eligible victims.

Fee/Assessment	Amount	Code Section	Trigger / Conditions
Courthouse Construction Fund	**$2 automatically assessed, additionally not more than an additional $3 pursuant to subsection C, total of no more than $5**	§ 17.1-281	Any county or city, which, on or after January 1, 2008, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines, as certified by the Department of General Services upon application to the Department by the county or city, and which cannot be feasibly renovated to correct such non-compliance, through its governing body, may assess an additional sum.

It is important to note that not all of these add-on costs are programmed into the case management systems as an automatic pop-up based on the circumstances of a case. Where an additional cost is a single variable - for example, it is charged on all convictions for specified offenses – then it is possible to program the case management systems to trigger a reminder to assess the cost when a conviction is entered on those specified offenses. If, however, an add-on cost is dependent on fact specific variables in a case – for example, costs under Va. Code § 17.1-275.11:1 are dependent on the type of evidence used at trial, how that evidence was acquired, and the submission of a motion and affidavit by the investigating law enforcement agency – it cannot be programmed into the case management systems. In such fact specific instances where add-on costs may be assessed, it requires a human being involved in the process (whether that be the Commonwealth's attorney, law enforcement, the judge, or the clerk depending on how the statute authorizing assessment of the cost is structured) to be aware of the add-on cost and take some action that it be assessed. These add-on costs are detailed in Appendix B of the Circuit Court Clerks' Manual, which is 41 pages long. *See attached*. See here for the district court clerks, their Appendix B of fees is 60 pages long beginning on page 608.

The system of a single fee, or fixed fee, has been slowly overrun by these add-on fees, which are burdensome to clerks and make it very difficult to accurately advise a client what their fees may be.

There are also fees styled as add-on fees that are mandatory, like the Internet Crimes Against Children Fund, in § 17.1-275.12. This fee is assessed on all misdemeanor and felony convictions. These fees typically establish a specialized fund with a different distribution of the money. This fund

> "shall consist of all fees collected under this section, moneys appropriated directly to the Fund, and any other grants or gifts made to the Fund. Moneys in the Fund shall be disbursed in the following manner: to the Virginia State Police, 33.3333 percent of the total annual deposits to support the Northern Virginia Internet Crimes Against Children program; to the Department of Criminal Justice Services, 33.3333 percent of the total annual deposits to support the Southern Virginia Internet Crimes Against Children program; to the Department of Criminal Justice Services, 27.7777 percent of the total annual deposits to support grants and training and equipment for local law-enforcement agencies' use in investigating and prosecuting Internet crimes against children; and to the Department of Social Services, 5.5555 percent of the total annual deposits to support the Virginia Child Protection Accountability System established under § 63.2-1530."

In summary, while there is a baseline of fixed costs applied to convictions, the total financial assessment for any individual case is highly dependent on the specific legal, procedural, and factual details of that case. It is also important to note that the application of these fees can, and do, change yearly.

Pursuant to Article VIII, sec. 8 of the Virginia Constitution, "all fines collected for offenses committed against the Commonwealth" go to the Literary Fund. Organization and administration of the Literary Fund is set forth Title 22.1, Chapter 10, Va. Code § 22.1-142, et seq. Code § 19.2-353 reiterates and cross-references the constitutional provision that directs fines assessed for offenses against the Commonwealth to the Literary Fund. Other monies directed to the Literary Fund by statute include, but are not limited to:

- Civil penalties assessed under the Government Data Collection and Dissemination Practices Act, Va. Code § 2.2-3809.
- Civil penalties assessed by the Department of Labor and Industry for failure to post Human Trafficking Hotline information by employers operating strip clubs and truck stops under Code § 40.1-11.3.
- Unclaimed property under Va. Code § 55.1-2500, et seq. (Virginia Disposition of Unclaimed Property Act).
- Civil penalties assessed against a charitable organization violating laws governing how they may solicit donations, Va. Code § 57-59.
- Unclaimed lottery prizes under Va. Code § 58.1-4020.
- Civil penalties assessed for violations of the Virginia Consumer Protection Act, Va. Code § 59.1-206.

By way of example, the amount collected in the Literary Fund in FY26 was $38.9m and an additional $5.5m in interest from the statutory 6% judgement rate of interest set pursuant to § 6.2-302. The FY25 amount was $42.1m with an interest amount of $4.8m.

On the contrary, the statute establishing the assessment may direct the monies elsewhere, as was done via HB1233 in the 2026 Session establishing Virginia Code § 17.1-275.15.

IV. Allocation and Use of Funds

Revenue collected through these assessments is not typically held in a single pot; instead, it is apportioned into specific state and local funds. Based on the statutory framework collected funds are distributed to support a wide range of programs. An example is § 17.1-275.1, which details the breakdown of the fixed felony fee into the following categories:

- **State General Fund:** Supports general expenditures by the Commonwealth, including sentencing and supervision operations.
- **Public Safety & Specialized Programs:**

    - **Forensic Science Fund:** Supports state laboratory operations.
    - **Criminal Injuries Compensation Fund:** Provides aid to victims of crime.
    - **Virginia Crime Victim-Witness Fund:** Assists with victim services.
    - **Intensified Drug Enforcement Jurisdiction Fund:** Supports drug interdiction and enforcement efforts.
- **Local & Judicial Support:**
    - **Clerk of the Circuit Court Fund:** Provides operational funding for clerk offices.
    - **Courthouse Construction/Maintenance Fund:** Dedicated to local facility infrastructure.
    - **Training Academies:** Supports regional law enforcement training.

Virginia Code § 17.1-275.1 provides the fractional amounts of the fixed felony fee that go to each designated fund. What remains unclear is where exactly this money is going and how it is reallocated. For example, § 17.1-275.1(1) indicates that .47056067 of the $375 fixed felony fee goes to "Sentencing/supervision fee (General Fund)" and § 17.1-275.1(2) indicates that .1033333 of the $375 fixed felony fee goes to the "Forensic science fund."

At this point in the study, the workgroup has been unable to determine where these Code delineated "revenues" are recorded on the Commonwealth's Accounting and Reporting System, Cardinal. The group is having a hard time tracing the money, which becomes very important when assessing the fiscal impact of any bill. This is an area that we will continue to study in the next year.

This is in contrast to statutory funds like the Crime Victim-Witness Fund set up pursuant to § 19.2-11.3 which names the fund and details that it is a special nonreverting fund to be administered by the Department of Criminal Justice Services.

The other fixed fee statutes are set up similarly - with different funds or locations and different fee apportionments for each of the statutory fixed fees listed in Section III(A) of this report.

The attached *Flow of Funds - Commonwealth Court System*, *Auditor of Public Accounts*, provides a visual of how the fees are collected and distributed.

A. Collection Rates

The collection rates of the various fees is an important factor in determining the fiscal impact of any future legislation that seeks to limit, or expand, fees charged in criminal prosecutions. One major gap in the data on collection rates is that the fees collected in any given fiscal year cannot be categorized based on the year in which they were initially assessed. Information linking payments to their underlying case is systematically deleted after the total amount due has been paid in full. Therefore, available systems can localize amounts assessed that same fiscal year;

however, for amounts collected based on assessments in previous years, the information regarding the assessment year is incomplete. Thus, a fee assessed in 2021, but collected in 2025 would be reflected in the FY25 collected amount, but information within the system would not necessarily indicate that it took four years to pay off the amount. It is also possible that some debt may never be fully paid off, or paid off over a much longer period of time.

The available collection rate data falls into two buckets, fees that were assessed and paid in the same year and everything else that is collected is all historical. We are unable to tell *how* historical those collections are if the owed amount in a case has been paid in full, and thus they are all reported as one number.

OES has done collection averages for several bills that have been proposed in previous years which estimate collection rates in the different courts. These calculations include the average 5 year and 10 year collection rate across all courts. It is also broken down by court at the same intervals. Additionally, because OES is able to track the amount paid in the same year it was assessed, that average is also reflected. *See attached*, FC_499_Assessed_paid_2013_2024.

Not surprisingly, the collection rate in general district court cases in the same year and overall is much higher than the same numbers in circuit court. This is likely due to the types of cases that are handled in GDC (traffic and misdemeanors). In circuit court, it is much more likely that a defendant will receive a period of extended incarceration for more serious charges, and receive higher fines and costs, thus being less likely to pay. OES reports that the 10 year average collection rate in circuit court for fees assessed in the same year they are paid is 37%, and that the same 10 year average collection rate in GDC is 69%. Similarly, it is likely that collection rates for certain types of debt will be lower than others. In particular, debt assessed for the cost of indigent defense is exclusively charged to people who a court has found lack funds to pay for counsel. Collection rates for these types of debt could be analyzed and considered separately from, for example, fines or the aggregate balance as a whole.

OES reports that the overall collection rate is about 60%, with the caveat that excluding the fees paid in the same year they were assessed, we don't know what fees are being paid.

A potential downside raised by some workgroup members regarding this method of constructing a collection rate is that it does not account for the accumulating balance of unpaid debt from prior years, and will thus result in a collection rate measure that, while higher, may not reflect the percentage of accrued debt that is collected. To this end, some workgroup members believe that a more inclusive construction might compare each year's rate by the amount collected divided by the entire outstanding balance as of that year. However, calculating this rate is hampered by gaps in the data with respect to the running balance of fees and costs at the beginning of any particular year.

There is no historical data available for collection amounts by specific offense (e.g., murder, aggravated assault) because the case management systems (which documents the underlying case information) are separate from the financial accounting systems. While OES has historical data on assessed amounts by offense, actual collection rates by offense remain unknown based on system limitations. Data in the financial accounting system linking a payment to the underlying case within the case management system is typically purged 120 days after an account has been paid in full. OES data excludes Fairfax Circuit Court, as their data is handled separately by the Compensation Board.

The workgroup will continue to work to understand collection rates and their impacts on the operating budget of the Commonwealth and its citizens.

B. Delinquency

Pursuant to § 19.2-340, all fines and costs in a criminal or traffic case are a judgment subject to collection efforts for both district and circuit courts. Under § 17.1-275.5(B), the total amount of all assessments—including the base fixed fees and the "add-on" costs listed above—are docketed by the circuit court clerk as a judgment against the defendant in favor of the Commonwealth.

This mechanism effectively converts these fines, costs, and fees into a civil judgment, which allows the Commonwealth to utilize standard collection methods (such as liens or garnishments) to recover the debt. Because these amounts are docketed as judgments, they remain enforceable obligations under Virginia law.

Statutory interest of 6% begins to accrue on court debt (including costs and fees) beginning 180 days after sentencing or after a person's release from incarceration, unless a person is on a payment plan pursuant to § 19.2-353.5. Beyond statutory interest, debt mandatorily referred to collections, pursuant to § 19.2-349, automatically incurs an additional 17% collection fee.

V. Charging for Constitutional Rights/Lawyer's Ethical Duties

A. Jury Trial

Article I, Section 8 of the Virginia Constitution guarantees the right to a jury trial. Yet if that right is exercised, and the defendant is found guilty, the defendant is charged a fee for the jury. Virginia Code § 17.1-618 establishes that each person summoned as a juror is entitled to $50 per day of service and also accounts for overnight expenses if they are sequestered. If alternate jurors are authorized by the Court, they each also receive $50 per day. Virginia Code § 19.2-336 allows a clerk to assess those costs against a criminal defendant who is found guilty.

In FY23, $984,082.52 was assessed in jury costs and of that amount $22,049.03 was collected in the same fiscal year. An additional $154,942.76 of that same revenue code was paid in FY23, but those costs were assessed in previous fiscal years. It is important to note that due to data limitations, the amount paid reflects the amount paid in that fiscal year, not the year when it was assessed. Therefore, the amount paid in any given year is reflective of previously owed costs in this revenue code. It is only possible to know how much of the amount assessed in one year was paid in that same fiscal year. *See* Section IV(A) of this report for more information.

Given the varying practices and needs of different circuit courts across the Commonwealth, the jury fees also similarly vary. If a defendant requests a jury and is found guilty, the jury fees apply. If the Commonwealth requests a jury and the defense waives jury, then the defendant will not be assessed any jury fees.

By way of example, in Fairfax, the public Notice of Jury Fees indicates that a defendant is charged $1,000 for the first day of a felony trial. This fee is for 20 jurors, even though a felony trial would only seat 12 jurors. A second or subsequent felony trial day is $600, the amount for just the empaneled jurors. In a misdemeanor case, the first day is $650 for 13 jurors and the second or any subsequent trial days are $350 for the 7 empaneled jurors. The Fairfax Circuit Court clerk also allows the defendant to call off their jury up until 3pm the day prior to the start of the jury to avoid the jurors being summoned and costs being assessed.

This type of public notification about jury costs does not occur in every circuit court, so to determine the practice in every circuit the group would need to contact all 120 circuit court clerks.

However, the Code is not prescriptive about the number of jurors to be summoned for a felony or misdemeanor and Circuit Court Clerks must make decisions based on factors like the charge, publicity and length of the trial, to name a few.

The Circuit Court of Charlottesville charges differently for jury trials. It summons 40 people for a felony charge, for a total of $2,000 in fees if all of those jurors show up. The defendant is only assessed costs based on those summoned jurors that show up. For a second or subsequent day of a felony trial, the jury costs are $600, the amount for just the 12 empaneled jurors. For a misdemeanor case in Charlottesville Circuit Court, 30 jurors are summoned, for a total of $1,500 in jury costs if all 30 jurors who are summoned show up. For a second or any subsequent trial days in a misdemeanor, the cost is $350 for the 7 empaneled jurors. Similar to Fairfax, the Charlottesville Circuit Court clerk will not charge a defendant if they call off a jury as long as she has enough time to tell the jurors not to come, and no one shows up.

By contrast, pursuant to § 17.1-619 the localities pay the jury costs associated with all civil juries, where no Constitutional rights are guaranteed and there is no possibility of loss of liberty. Subsection A says that "Jurors in all civil cases shall be paid by the political subdivision in which the summons is issued." A court can assess civil jury fees to a party in a civil case, but it is unknown how often, if ever, this is done.

B. Court Appointed Counsel Fees

The Sixth Amendment to the US Constitution guarantees the right to counsel in criminal cases. In *Gideon v. Wainwright*, 372 U.S. 335 (1963) the United States Supreme court ruled that states are required to provide counsel to defendants who cannot afford to hire their own. In *Barnes v. Commonwealth*, 92 Va. 794, 23 S.E. 784 (1895), the Supreme Court of Virginia has ruled that the right to counsel is a fundamental right protected in Section 8 of the Virginia Bill of Rights.

Virginia Code § 17.1-275.5(A)(1) assigns the amounts to be paid to court appointed counsel based on the case type. However, fees assessed to the client are capped at the amounts they would have owed on June 30, 2024, pursuant to § 19.2-163(4). These amounts are billed at a rate of $90 per hour as set by the Supreme Court of Virginia. The current cap for misdemeanor representation, excluding DUIs, is $330. The current cap for most, non violent felony representation is $845. When the rates for court appointed counsel were raised on January 1, 2025, the previous assessment caps were maintained at $120 for misdemeanors and $445 for felonies. Virginia Code § 19.2-163.4:1 provides for repayment of those costs if they are convicted.

The Office of the Executive Secretary of the Supreme Court is required under § 19.2-163 to report on the payments to court appointed counsel quarterly. These payments are broken out by the number and category of offenses charged for both adults and juveniles. In FY25 $63,971,506 was paid for court appointed counsel on 188,931 charges. They also report on the waiver amount that is permitted by statute. This money is limited and in FY25 there were 6,572 requests for waivers of the statutory fee caps, 6,416 of those waivers were granted and a total of $4,313,510 paid above the initial statutory cap.

C. Confrontation Rights

The Sixth Amendment to the United States Constitution and Article I, Section 8 of the Virginia Constitution guarantees a defendant the right to confront and cross examine their accusers. *Melendez-Diaz*, 557 U.S. 305 (2009) says that this right is violated when a certificate of drug analysis is introduced without live testimony. Virginia Code § 19.2-187.1 sets out the procedure where the Commonwealth can introduce a certificate of analysis in lieu of testimony and the defendant may object and require the analyst to be present at their trial. Subsection (B)(iii)

assesses a $50 fee for exercising this right. However, the Code is unclear as to whether this is charged only if the witness shows up and there is a guilty finding. It is unclear whether this fee is assessed if, for example, the defendant ultimately pleads guilty, subsequent to filing a notice under § 19.2-187.1.

In contrast to the jury costs example above, in FY24, $494 in total was assessed in circuit court under the Drug Analysis revenue code. None of those costs were recouped that year. Similar data exist in FY25 and of $357 being assessed that year for Drug Analysis, $53 was recouped in payments that same year. An additional $304 was recouped from a previous years' assessment. Thus, eliminating this fee would have minimal fiscal impact.

Another area that seems ripe for disparate application is the fixed fee for a felony reduced to a misdemeanor in circuit court under § 17.1-275.2. This fee is $147 more than the fixed misdemeanor fee assessed against a defendant found guilty in district court. Due to individual charging practices in jurisdictions and the wide discretion given to Commonwealth's Attorneys as they learn more facts about specific cases, there is wide variation in how often charges are reduced from felonies to misdemeanors and tried in circuit court.

D. Competency

Lastly, an additional area of particular concern is under § 17.1-275.5(A)(4), where a defendant is assessed the fees for any court ordered psychiatric evaluation. This becomes particularly problematic in the case of a competency evaluation, where the defendant has no say in whether or not an evaluation is ordered. Under the Virginia Rules of Professional Conduct, Rule 1.14, a lawyer can not proceed in a criminal case if they believe the client is incompetent. Therefore, without having any say in the matter, and presumably not being competent to make a decision, a court can order a defendant to pay $700 for a competency evaluation if found guilty. Additionally, a judge can sua sponte make a competency motion. It can also be a practice in some jurisdictions for a court to order a sanity evaluation at the same time as a competency evaluation, even if not asked by counsel, thus driving up the cost. This would cost a defendant $1,200 if the defendant is found guilty. Additional study will be done to determine the number of competency and sanity evaluations done with data available from other state agencies.

VI. Example

The court fees for a standard first DUI charged and convicted under § 18.2-266 are listed by the court of conviction below:

Conviction fees for DUI in district court

Fee	Code Section	Amount
Fixed Misdemeanor Fee	§ 16.1-69.48:1(B)	$61
Courthouse Construction Fee	§ 17.1-281	$2 automatically assessed, additionally not more than an additional $3 pursuant to subsection C, total of no more than $5
Electronic Summons Fee	§ 17.1-275.5(A)(19)	$5
Courthouse Security Fee	§ 17.1-275.5(A)(13)	Up to $20
Internet Crimes Against Children Fund Fee	§ 17.1-275.12	$15
Total		**Max. of $106**

Conviction fees for DUI in circuit court

Fee	Code Section	Amount
Fixed Misdemeanor Fee	§ 17.1-275.7	$80
Intensified Drug Enforcement Jurisdiction Fund	§ 17.1-275.10	$2
Additional Fee	§ 17.1-275.11	$100
Internet Crimes Against Children Fund	§ 17.1-275.12	$15
Courthouse Construction Fee	§ 17.1-281	$2 automatically assessed, additionally not more than an additional $3 pursuant to subsection C, total of no more than $5
Electronic Summons Fee	§ 17.1-275.5(A)(19)	$5
Courthouse Security Fee	§ 17.1-275.5(A)(13)	Up to $20

Total		**Max. of $227**

Conviction fees for misdemeanor DUI, reduced from a felony in circuit court

Fee	Code Section	Amount
Fixed Fee for Felony Reduced to Misdemeanor	§ 17.1-275.2	$227
Intensified Drug Enforcement Jurisdiction Fund	§ 17.1-275.10	$2
Additional Fee	§ 17.1-275.11	$100
Internet Crimes Against Children Fund	§ 17.1-275.12	$15
Courthouse Construction Fee	§ 17.1-281	$2 automatically assessed, additionally not more than an additional $3 pursuant to subsection C, total of no more than $5
Electronic Summons Fee	§ 17.1-275.5(A)(19)	$5
Courthouse Security Fee	§ 17.1-275.5(A)(13)	Up to $20
Total		**$349**

The above charts all assume that the defendant was not convicted by a jury, did not request any forensic analysis or evaluations, no ignition interlock was requested and no blood sample was drawn and tested, each of which would add to the fees assessed. These charts also exclude Alcohol Safety Action Program Fees as those are paid directly to the local programs.

VII. Areas of Further Study

A. Understanding existing information on amounts assessed and collected in criminal prosecutions, including where such amounts are allocated, in order to develop a mechanism to better estimate fiscal impacts of future legislative proposals. Specifically, how much of what is collected goes to the General Fund versus specific funds set up to support specific programs.

B. Clarify collection rates with existing data.

VIII. Recommendations

A. Consider not adding additional fees applicable to criminal prosecutions in the 2027 General Assembly session.
B. Consider incrementally eliminating fees charged for exercising a Constitutional right.

IX. Appendices

A. Appendix A: Workgroup Members
B. Supreme Court of Virginia Chart of Allowances
C. Circuit Court Clerks' Manual - Criminal: Appendix B & C
D. Flow of Funds - Commonwealth Court System
E. FC_499_ Assessed_paid_2013_2024

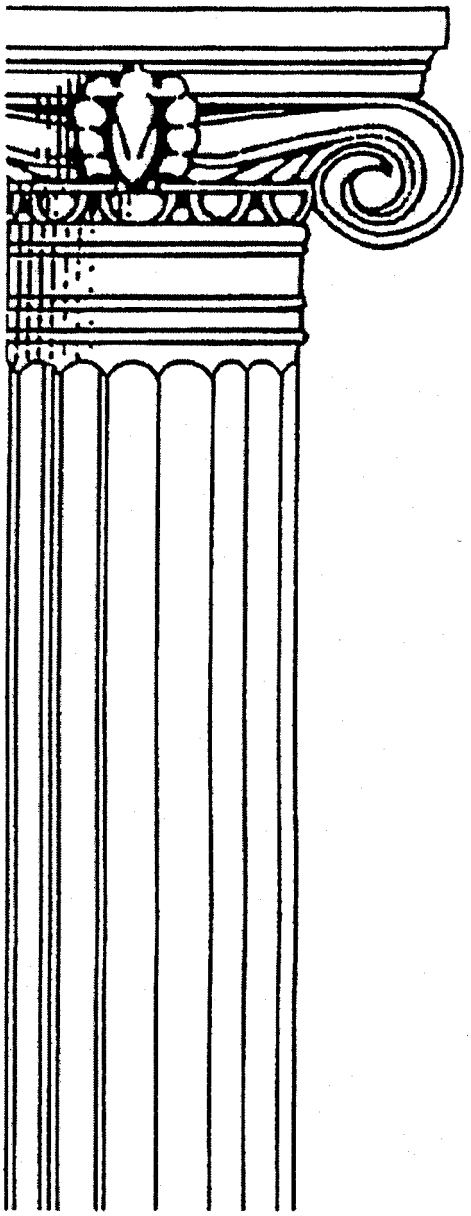
Appendix A: Fees and Costs Workgroup Members

Virginia Indigent Defense Commission
Office of the Executive Secretary of the Supreme Court
Legal Aid Justice Center
Virginia Department of Accounts
Joint Legislative Audit and Review Commission
Virginia Association of Commonwealth's Attorneys
Virginia Court Clerks Association
Virginia Department of Treasury
Auditor of Public Accounts
Office of the Attorney General
ACLU of Virginia
Compensation Board
Virginia State Crime Commission
House Appropriations Committee Staff
Senate Finance and Appropriations Committee Staff
The Commonwealth Institute

Supreme Court of Virginia

CHART OF ALLOWANCES

July 15, 2026



Supreme Court of Virginia
Office of the Executive Secretary
Department of Fiscal Services
804/786-6455
https://www.vacourts.gov/

Policy Requiring the Timely Submission of Payment Requests

Applicability:

This Policy applies to all requests for payment submitted to the Office of the Executive Secretary of the Supreme Court of Virginia, including, but not limited to, requests for payment submitted by special justices, guardians ad litem, interpreters, mediators, court-appointed counsel, court-appointed experts, substitute judges, retired judges and others.

Requirements:

All requests for payment of fees or for travel or other expenses must be submitted no later than thirty days after the service or the travel is completed. For court-appointed counsel, each time limit is measured from the completion of all proceedings in the court for which the request is being submitted. *See* Va. Code § 19.2-163.

If a request for payment is submitted more than thirty days after the service or the travel is completed, the Office of the Executive Secretary may require additional documentation.

All requests for payment, whether initially submitted to the court or, as appropriate, to the Office of the Executive Secretary, and any additional documentation required, must be received by the Office of the Executive Secretary within **twelve months** of the date on which the service or the travel is completed. The person submitting the payment request is responsible for ensuring that the request is received by the Office of the Executive Secretary within the twelve-month period. If necessary, the person submitting the payment request should contact the Office of the Executive Secretary in writing before the end of the twelve-month period. Any such inquiry may be sent to: Office of the Executive Secretary, Supreme Court of Virginia, Attn. Fiscal Department, 100 N. 9th Street, Richmond, Virginia 23219. Payment after twelve months will only be made under limited circumstances upon a detailed written explanation provided to the Office of the Executive Secretary.

FOR INDEPENDENT CONTRACTORS. The Commonwealth of Virginia has a Substitute Form W-9 (COVA W-9) that is required in lieu of the IRS Form W-9 for each individual who is a US citizen or US resident alien and from each corporation, company, partnership, or association created or organized in the US or under US laws. The COVA W-9 requires additional information needed to ensure the vendor is properly established in the state accounting system.

Any individual who is not employed by the State, but who is conducting State business must submit a Substitute Form W-9 and is subject to the Judicial System Travel and Meals Policy regarding lodging rates, meals, and other expenses.

Waiver Funds:

Virginia Code § 19.2-163 provides that if at any time the funds allocated for the waivers are exhausted, the Executive Secretary is to certify that fact to the courts, and no additional waivers may be approved. Waiver funds are appropriated annually and typically are exhausted before the end of the year. Therefore, it is important that applications for fee cap waivers be submitted in the same year the service is performed and as early as possible since payment is subject to the availability of funds appropriated for that year.

Hourly Rate for Court-Appointed Counsel

Unless otherwise specified, the Supreme Court of Virginia's established rate of up to $90 per hour (in and out of court) for court-appointed counsel shall apply. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law.

Electronic Voucher Payment System ("EVPS")

Except as noted, the information in the Chart of Allowances pertains both to payment requests submitted on a paper DC-40, as well as payment requests by those who are able to submit an electronic DC-40 through the EVPS.

Code Section	Description	Per Diem	Statutory Limit
8.01-9	Guardian ad litem for defendant under a disability in a civil action **Note:** Payment out of the Criminal Fund of fees and expenses of a guardian ad litem for a defendant under a disability in a civil action is authorized only in certain, limited situations, specifically when: (1) in a civil action against an incarcerated felon for divorce where the felon is incarcerated as a result of a crime committed against the felon's spouse, child, or stepchild and involving physical injury, sexual assault, or sexual abuse (as set forth in the statute); (2) in a civil action against an incarcerated felon for damages arising out of a criminal act (as set forth in the statute); or (3) a court in a divorce action has made specific findings that both the plaintiff and the defendant are indigent and that the defendant is a person under a disability as defined in § 8.01-2, and based upon those findings, the court has determined that payment of the guardian ad litem out of the Criminal Fund is required as a matter of law. **Court order indicating that plaintiff and defendant are both indigent and that defendant is a person under a disability is required.** (4) in a civil action to enter an interdiction order pursuant to § 4.1-333 when the respondent is indigent and a "person under a disability" as defined by § 8.01-2. The Supreme Court of Virginia's established rate of up to $87/hour in court and $63/hour out of court for guardians *ad litem* applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law.		
8.01-384.1	Interpreters for the speech-impaired or hearing-impaired in civil proceedings **Note:** Certified interpreters under contract with the Department for the Deaf and Hard-of-Hearing who provide services to any Virginia state court must submit the required paperwork directly to that Department. **DO NOT SUBMIT ON FORM DC-40. DEPARTMENT OF DEAF AND HARD-OF-HEARING WILL SUBMIT.**		

Code Section	Description	Per Diem	Statutory Limit
8.01-384.1:1	Interpreters for non-English-speaking persons in civil cases Submit Form DC-44 List of Allowances-Interpreter See page 49 of the *Virginia Language Access Plan Manual*, a copy of which is available online at: https://www.vacourts.gov/courtadmin/aoc/djs/programs/interpreters/manuals/lep/guidelines.pdf#. **Note:** Foreign language translations of written materials can be compensated from the Criminal Fund only through a process initiated by requesting this service through a court's local staff interpreter or the Foreign Language Services Coordinator at the Office of the Executive Secretary. The Foreign Language Services team can start the process to secure an estimate from a vendor that is qualified to create industry standard translations for Virginia courts.		
8.01-396.2	Guardian ad litem for a minor witness in general district court (Includes subsequent appeal to circuit court) Guardian ad litem for a minor witness in circuit court for any proceeding involving a criminal sexual assault, commercial sex trafficking or prostitution, or family offenses. (See § 8.01-396.2(D) The Supreme Court of Virginia's established rate of up to $87/hour in court and $63/hour out of court for guardians ad litem applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law.		
16.1-241 (W)	Counsel - petition for judicial authorization for abortion Guardian ad litem - petition for judicial authorization for abortion The Supreme Court of Virginia's established rate of up to $87/hour in court and $63/hour out of court for guardians ad litem applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law.		$330.00

Code Section	Description	Per Diem	Statutory Limit
16.1-267	Court-appointed attorney in J&DR, and in circuit court on appeal, in delinquency cases		$680.00
	Court-appointed attorney in J&DR, and in circuit court on appeal, in matters arising under § 16.1-283, petition for termination of residual parental rights		$680.00
	Court-appointed attorney in J&DR, and in circuit court on appeal, in other child dependency matters as defined in § 16.1-266.1(C), and in cases involving a child alleged to be in need of services or supervision		$330.00
	Guardian ad litem J&DR: The Supreme Court of Virginia's established rate of up to $87/hour in court and $63/hour out of court for guardians ad litem applies. Time spent in face-to-face contact with the child being represented shall be compensated at the in-court rate and included as part of the entry of the in-court time recorded on form DC-40. (§ 16.1-274) Time shall be recorded in increments not greater than .10 hour (6 minutes). The in-court rate applies for time spent in contact with the child by telephone or audio-video communication when a child is placed in a residential facility that does not allow in-person visits and otherwise when the judge determines that in-person contact is not feasible.		
	The hourly rate for court-appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law.		
	Requests by an attorney who serves as a guardian ad litem for a child for reimbursement submitted on Form DC-40 for out-of-court time and costs associated with administering or overseeing drug tests performed after June 30, 2014 cannot be approved for payment from the Criminal Fund.		
	See attached court-appointed counsel fee cap waiver information and instructions.		
16.1-276	Out-of-state witness - compensation of travel expenses		.76/mile
	Note: A copy of the witness subpoena for attendance in court must be submitted with Form DC-40. Lodging and meals will be paid in accordance with the Judicial System Travel and Meals Policy, and are limited to the night before, during and the night of the last day of a required court appearance. A waiver of these limitations will only be given under limited circumstances upon a detailed written explanation provided to the Office of the Executive Secretary.		

Code Section	Description	Per Diem	Statutory Limit
16.1-299.1	Blood sample required for DNA analysis upon conviction or adjudication of felony (juvenile) **Note:** A juvenile convicted of a felony or adjudicated delinquent on the basis of an act which would be a felony if committed by an adult shall have a sample of his blood taken for DNA analysis provided the juvenile was fourteen years of age or older at the time of the commission of the offense. The Criminal Fund will reimburse only when: (1) The juvenile has been convicted of a felony or adjudicated delinquent on the basis of an act which would be a felony if committed by an adult, but was not sentenced to a period of confinement (e.g., was placed on probation or on suspended execution of sentence) or (2) The convicted juvenile was remanded to the custody of the sheriff solely for the purpose of blood withdrawal, but the sheriff does not have the resources available, contracted or on staff, and must secure the services of a private provider to conduct the withdrawal. **Form DC-40 must be accompanied by Form CC-1390.**		
16.1-361	Compensation of experts - J&DR competency Court appearance - witness fee, mileage (1) Evaluation of competency to stand trial - juvenile (Guidelines established by the Supreme Court of Virginia after consultation with the Department of Behavioral Health and Development Services) (2) Court appearance - witness fee (plus mileage at .76/mile) **Note:** Pursuant to § 16.1-357, the Commissioner of Behavioral Health and Developmental Services arranges for court-ordered services to restore competency, which are not payable from the Criminal Fund.	$400.00 $100.00	
17.1-611	Witness for the Commonwealth **Mileage and Tolls Only** **Note:** A copy of the witness subpoena for attendance in court must be submitted with Form DC-40.	.76/mile	

Code Section	Description	Per Diem	Statutory Limit
17.1-612	Expert witness **Court order and itemized invoice required**		
17.1-618	Juror per diem (includes travel expenses) (Use Form DC-43)	$50.00	
18.2-61.1	Testing of certain persons for sexually transmitted infections		
18.2-252	Suspended sentence conditioned upon substance abuse screening and testing		
18.2-254	Commitment of convicted person for treatment for drug or alcohol abuse (substance abuse screening and testing)		
18.2-268.8	DUI – withdrawal of blood by Commonwealth or local office		$25.00
18.2-346.1	Testing of persons convicted of prostitution or certain drug offenses for sexually transmitted infections when requested by the defendant		
19.2-11.01	Crime victim's rights If the judge finds that appointment of a guardian ad litem is necessary to afford the victim the opportunity to exercise the rights recognized in § 19.2-11.01, compensation of the guardian ad litem is permitted. Appointment order and findings must be attached. The Supreme Court of Virginia's established rate of up to $87/hour in court and $63/hour out of court for guardians ad litem applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law		
19.2-70.2	Pen register or trap and trace device (expenses of providing facilities and assistance)		
19.2-112	Extradition allowance expenses **(Submit on a Travel Expense Reimbursement Voucher)**		

Code Section	Description	Per Diem	Statutory Limit
19.2-152.12	Required representation for respondent in protective order proceeding under Chapter 9.1 of Title 19.2 (§§ 19.2-152.7:1 through 19.2-152.12). The Criminal Fund will compensate for the representation of a respondent in an applicable protective order proceeding only when: (1) Counsel is required pursuant to the Servicemembers Civil Relief Act (§ 8.01-15.2), **or** (2) A guardian ad litem is required because respondent is a "person under a disability" as defined by § 8.01-2 (see § 8.01-9). Compensation as either counsel or a guardian ad litem is limited in district court to a cap of $330 and in circuit court to a cap of $330, since the statute provides that "the court may order such counsel or guardian ad litem to be compensated for services pursuant to §19.2-163."		
19.2-155	Appointment of substitute for Commonwealth's attorney (private attorneys only) Special prosecutors are typically Commonwealth's attorneys appointed from another jurisdiction. In the event a Commonwealth's attorney is not available, a private attorney can be appointed and compensated as stated below. Use § 19.2-332 as the authorizing Code section from the Chart of Allowances on Form DC-40. Attach copy of appointment order and **a copy of Executive Secretary's approval required for the appointment of a special prosecutor.** The Supreme Court of Virginia's established rate of up to $90/hour in and out of court applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law. **Note:** Attorneys for the Commonwealth who are appointed as special prosecutors may receive reimbursement for actual expenses incurred, to be paid by the Compensation Board and not the Criminal Fund.		

Code Section	Description	Per Diem	Statutory Limit
19.2-163	Court-appointed attorney:		

See pages 18-20 for statutory fees, and fee cap waiver information and instructions.

Note:

(1) For all requests for payment, the court-appointed attorney must check “yes” or “no” to indicate whether or not payment is being requested for a probation violation. This is a required field in order to receive payment.

(2) If felony charge for adult in juvenile court or general district court is disposed of in the district court, then circuit court felony rates apply. Felony class or possible punishment, if the felony is unclassified, must be indicated.

(3) For revocation of probation, indicate § 19.2-306 on the paper DC-40 as the original code section charged, except as noted below. Note either felony or misdemeanor and the highest class of the original charges. Payment is allowed on the basis of only one charge. For example, if a defendant who is on probation for five charges were subject to one probation revocation proceeding, the court-appointed attorney would be reimbursed for only one charge – the probation revocation.

> **Note:** If counsel is requesting the supplemental statutory waiver for a probation violation (except class 1 felony), and the original charge was a felony violation of §§ 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1 or 18.2-371.1, the specific statute for the original charge must be inserted in “Original Code § Charged” instead of § 19.2-306. This is to ensure that the correct maximum supplemental statutory waiver amount is identified. See pages 18-20 for more information about waiver amounts.

(4) Guardian ad litem or juvenile appeal must be indicated. The Supreme Court of Virginia’s established rate of up to $87/hour in court and $63/hour out of court for guardians ad litem applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). Except for matters involving a petition to terminate residual parental rights under § 16.1-283, the fee for counsel appointed pursuant to § 16.1-266 to represent a parent or guardian in a civil matter is up to $330 in J&DR court and up to $330 in circuit court. The hourly rate for court-appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law.

Note: See page 3 for more information about payment pursuant to § 16.1-267 in matters arising under § 16.1-283, petition for termination of parental rights, and in other child dependency matters as defined in § 16.1-266(C).

(5) Authorization for payment from the Criminal Fund of a guardian ad litem appointed in a circuit court is limited to an appeal from a district court and appointment of the guardian ad litem under § 8.01-396.2 or § 16.1-266.

(6) If a judge concludes that counsel for an indigent respondent in a civil contempt proceeding for failure to pay child support is constitutionally required by the holding in Turner v. Rogers, 564 U.S. 431 (2011), an attorney may be appointed for a fee of up to $330 in J&DR court and up to $330 in circuit court.

Court order indicating that the respondent is indigent and that due process requires the appointment must be submitted with Form DC-40.

(7) Payment for psychological evaluations and drug testing in custody matters pursuant to § 16.1-278.15 is not authorized.

(8) Counsel representing a defendant charged with a Class 1 felony (aggravated murder) may submit to the court on a monthly basis, a statement of all costs incurred and fees charged by counsel in the case during that month. Whenever the total charges are deemed reasonable by the court for which payment has not previously been made or requested exceed $1,000, the court may direct that payment be made. Completed Form DC-334 (Request for Appointment of a Lawyer) indicating "Aggravated Murder" or circuit court order must be attached when submitting voucher for reimbursement.

***The Supreme Court of Virginia has established separate hourly rates for aggravated murder of up to $150 per hour in court and $120 per hour out of court.**

Code Section	Description	Per Diem	Statutory Limit
	(9) Representation of a defendant by a court-appointed attorney with regard to an ancillary misdemeanor certified to circuit court with a felony under § 19.2-190.1 is eligible for compensation of up to $330 for each misdemeanor. Because that portion of the representation for the ancillary misdemeanor does not involve the conclusion of the matter, that representation of the ancillary misdemeanor in district court is not eligible for further compensation under the waiver provision of § 19.2-163. (10) Representation of a defendant by a court-appointed attorney with regard to an extradition warrant is eligible for compensation of up to $330. (11) Representation of a defendant at a preliminary hearing in district court is eligible for compensation of up to $330. **Note:** For purposes of payment in a fugitive case, a case is considered concluded one year following issuance of a capias or summons to show cause for an indigent defendant who failed to appear in court. Appointed counsel who has appeared at a hearing on behalf of the accused must ensure request for payment is received by the Office of the Executive Secretary within twelve months *after* one year has passed following issuance of the capias or summons to show cause.		
19.2-164	Interpreters for non-English speaking persons in criminal cases Submit Form DC-44 List of Allowances-Interpreter See page 49 of the *Virginia Language Access Plan Manual*, a copy of which is available online at: https://www.vacourts.gov/courtadmin/aoc/djs/programs/interpreters/manuals/lep/guidelines.pdf#. **Note:** Foreign language translations of written materials can be compensated from the Criminal Fund only through a process initiated by requesting this service through a court's local staff interpreter or the Foreign Language Services Coordinator at the Office of the Executive Secretary. The Foreign Language Services team can start the process to secure an estimate from a vendor that is qualified to create industry standard translations for Virginia courts. The Criminal Fund does **not** provide foreign language interpreters for the Commonwealth's Attorney's use in witness preparation.		

Code Section	Description	Per Diem	Statutory Limit
19.2-164.1	Interpreters for speech impaired or hearing impaired in criminal cases **Note:** Certified interpreters under contract with the Department for the Deaf and Hard-of-Hearing who provide services to any Virginia state court must submit the required paperwork directly to that Department. **DO NOT SUBMIT ON FORM DC-40. DEPARTMENT OF DEAF AND HARD-OF-HEARING WILL SUBMIT.**		
19.2-165.1	Medical fees for gathering evidence Request for reimbursement for sexual assault-related PERK or forensic examinations should be submitted to the Criminal Injuries Compensation Fund Payment Coordinator (P.O. Box 26927, Richmond, VA 23261) Request for reimbursement for forensic examinations for any other authorized purpose should be submitted by the Commonwealth's Attorney or designated victim/witness coordinator to the Supreme Court of Virginia		
19.2-166	Court reporters Invoice required for any amount over $500 for one defendant		
19.2-175	Compensation of experts		
	(1) Evaluation of competency to stand trial (§ 19.2-169.1)		$700.00
	(2) Evaluation of sanity at the time of offense (§§ 19.2-168.1, -169.5)		$800.00
	(3) Evaluation of both sanity at the time of the offense and competency to stand trial		$1,200.00
	(4) Pre-sentence evaluation for sexual abnormality (psychosexual evaluation § 19.2-301)		$1,000.00
	(5) Court appearance - witness fee (plus mileage at .76/mile)		$100/day
	(6) Revocation of conditional release (§§ 19.2-182.8, -182.9) Evaluation of acquitee		$800.00
	Note: (i) Except for aggravated murder cases, the Supreme Court of Virginia has established the fees listed above as the maximum amount allowed for each evaluation. Form DC-40 MUST identify the service rendered by using the above description or item number. (ii) Court-ordered services to restore competency are not payable from the Criminal Fund.		
19.2-182	Attorney fee in proceeding for commitment (criminal)		$150.00

Code Section	Description	Per Diem	Statutory Limit
19.2-182.5	Attorney fee in proceeding for continuation of confinement (criminal)		$330
19.2-211	Counsel for special grand jury The Supreme Court of Virginia has established a rate of up to $90/hour (in and out of court) for non-government attorneys appointed under this code section. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law.		
19.2-215.4	Costs of multi-jurisdiction grand jury (services provided) **Note:** Pursuant to § 19.2-205, costs for grand juror per diem and mileage shall be paid from local funds.		
19.2-269.1	Services of sheriff for appearance of inmate as witness (circuit court only)		
19.2-271.6	Examination by an authorized expert regarding mental condition		See 19.2-332
19.2-300/ 19.2-301	Psychosexual evaluation for any criminal offense which indicates sexual abnormality		See 19.2-175(4)
19.2-310.2	DNA analysis (blood withdrawal) **Form CC-1390 required** (1) The defendant has been convicted of a felony or convicted of a misdemeanor violation of §§ 16.1-253.2, 18.2-57, 18.2-60.3, 18.2-60.4, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-102, 18.2-119, 18.2-121, 18.2-130,18.2-370.6, 18.2-387, 18.2-387.1, or 18.2-460(E), or adjudicated delinquent on the basis of an act which would be a felony if committed by an adult, but was not sentenced to a period of confinement (e.g., was placed on probation or on suspended execution of sentence, or the sentence was suspended) or (2) The convicted juvenile was remanded to the custody of the sheriff who does <u>not</u> have the resources available, contracted or on staff, and must have the withdrawal conducted by an outside private source.		
19.2-326	Indigent appeals - attorney fee and expenses of appellate court filing **Note:** Appellate court order required for all appeal-related fees and expenses, including printing or briefs.		Set by Appellate Court

Code Section	Description	Per Diem	Statutory Limit
19.2-327.1	Court-appointed attorney - scientific investigation of human biological evidence Compensation is limited according to the fee caps set under § 19.2-163 (see above).		
19.2-330	Out-of-state witness - compensation of travel expenses **Note:** A copy of the witness subpoena for attendance in court must be submitted with Form DC-40. Lodging and meals will be paid in accordance with the Judicial System Travel and Meals Policy, and are limited to the night before, during and the night of the last day of a required court appearance. A waiver of these limitations will only be given under limited circumstances upon a detailed written explanation provided to the Office of the Executive Secretary.		.76/mile
19.2-332	Miscellaneous compensable services in a criminal case required by law or court order prior to the service for which no specific compensation is provided. **Note:** Requests for payment pursuant to § 19.2-332 should reference the code section or case law that authorizes such payment**. Requests for payment based upon orders that solely reference § 19.2-332 will be returned for further information.** Requests for payment for evaluations payable under this statute must include an invoice indicating what type of evaluations were performed. § 19.2-332 cannot be used when the service is otherwise compensable by law.		
19.2-386.12(B)	Sale of forfeited property (Actual expenses shall be paid out of the net proceeds. Payment shall be from the Criminal Fund if there are no proceeds, or for any amount of actual expenses in excess of the proceeds.)		
20-49.3	Blood tests for paternity - HLA blood test (indigent party) **(BLOOD TESTS FOR SUPPORT CASES INVOLVING DIVISION OF CHILD SUPPORT ENFORCEMENT (DCSE) NOT PAID BY CRIMINAL FUND - CONTACT DCSE)**		
20-115	Commitment and sentence for failure to comply with order or decree (payment for court-appointed counsel authorized pursuant to § 19.2-163) J&DR District Court Circuit Court		 $330.00 $330.00

Code Section	Description	Per Diem	Statutory Limit
20-124.4	Mediation Form DC-40 must be accompanied by Form DC-604. (Any referral that includes both (i) custody or visitation and (ii) child or spousal support shall be considered two separate appointments.)		$120.00 Per Appointment Mediated
32.1-48.03	Court-appointed counsel fee for isolation hearing upon petition in general district court; temporary detention (plus necessary expenses)		$75.00
32.1-48.04	Court-appointed counsel fee for isolation hearing upon appeal to circuit court (plus necessary expenses)		$150.00
37.2-906	Sexually Violent Predator - court-appointed attorney The Supreme Court of Virginia has established a rate of up to $90/hour in and out of court, with cap of $5,000 for a bench trial or $6,000 for a jury trial. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law.		
37.2-907	Sexually Violent Predator - appointment of experts Statutory cap for evaluation is $5,000; however, pursuant to statutory direction, after consultation with the Department of Behavioral Health and Developmental Services, the Supreme Court has established a guideline of $2,500 for a typical evaluation. This amount does not include daily fee for appearance as witness ($750) or allowance for mileage (.76/mile). Daily fee for required appearance in court as witness.		$750.00

Code Section	Description	Per Diem	Statutory Limit
46.2-301.1 46.2-867.1	Administrative impoundment of motor vehicle There are limited situations in which there is a statutory authorization for reimbursement by the Commonwealth of Virginia. No reimbursement from the Criminal Fund will be made unless Form DC-40 and Form DC-288 have been submitted with the following supporting documentation: (1) A bill from the storage company or a receipt from the person who incurred the cost of impoundment, and (2) A copy of the court order, Form DC-499, indicating that the court has granted the petition for release of the impounded vehicle due to “lack of probable cause for arrest or warrant”; (3) Documentation indicating that the charges were dismissed/ resulted in an acquittal, or (4) Indication that a lien holder repossessed or removed vehicle from storage pursuant to security agreement.		
46.2-1209	Unattended or immobile vehicle When a vehicle is stolen or illegally used, upon submission of Form DC-40 and Form DC-288 submitted with a copy of the police report (including the report number and the name of the law-enforcement agency receiving the report) indicating the vehicle was stolen, and either proof of payment or an invoice for towing and storage, costs charged by the towing operator or storage facility for storage, towing, and recovery fees shall be: (1) Paid by the owner or the owner's successor in interest of the vehicle and reimbursed from the Criminal Fund; or (2) Paid to the towing and recovery operator when the identity of the owner cannot be determined or if the owner/defendant is found not guilty.		
53.1-40	Court-appointed attorney for consultation with indigent prisoners Approved Rate (2014 Appropriations Act) – Up to $55/hour with a maximum per diem compensation of $200 except in cases where the appointed attorney is appointed to represent indigent prisoners at more than one state prison, and in such cases their billing shall be capped monthly at $6,000. Number of inmates consulted must be attached. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law.		

Code Section	Description	Per Diem	Statutory Limit
53.1-165	Revocation of parole, or post release supervision of felon		
53.1-205	Felonies by prisoners		
53.1-210	Agreement on detainer and transportation of an out-of-state witness who is a prisoner in another state. Original receipts required. Form VI or other authority from the Attorney General or court order required.		
63.2-1203	Court-appointed attorney for birth parent withholding consent to adoption Guardian ad litem for birth parent under a disability or for child: charge the parties (state will not pay) Court order indicating that birth parent is indigent is required.		$330.00
63.2-1609	Guardian ad litem - emergency order for protective services – indigent adult only The Supreme Court of Virginia's established rate of up to $87/hour in court and $63/hour out of court for guardians *ad litem* applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law.		
64.2-2008	Guardians and conservators (fees and costs) The Supreme Court of Virginia's established rate of up to $87/hour in court and $63/hour out of court for guardians *ad litem* applies. Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law. **Court order indicating that incapacitated person is indigent required.** Payment by Commonwealth of petitioner's attorney's fees is <u>not</u> authorized.		
State Budget	Habeas Corpus All expenses must be itemized. Number of miles traveled must be specified. Receipts required where applicable.		

VIRGINIA CODE § 19.2-163 PROVIDES THE FOLLOWING FEES FOR COURT-APPOINTED COUNSEL:
(Effective for cases **concluded** on or after January 1, 2025)

Court	**Charge***	Statutory Fee	Supplemental Statutory Waiver Amount
District	Misdemeanor (except for statutes in below box)	$330	Up to $120
District	Misdemeanor under § 18.2-266, 18.2-266.1, 18.2-270 or 46.2-341.24	$448	Up to $120
District	Probation Violation	$180	Up to $120
Juvenile and Domestic Relations District	Delinquency	$680	Up to $120 OR Up to $650 if Equivalent to Class 2 Felony
Juvenile and Domestic Relations District	Probation Violation for Delinquency	$180	Up to $120 OR Up to $650 if Probation Violation for Equivalent to Class 2 Felony
District	(If resolved in District Court) Felony, Class 3 to 6 (except for statutes in below box)	$834	Up to $155
District	(If resolved in District Court) Felony, Class 2 OR Felony Violation of § 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1 or 18.2-371.1	$1,692	Up to $850
Circuit	Felony, Class 3 to 6 (except for statutes in below box)	$834	Up to $155
Circuit	Felony, Class 2 OR Felony Violation of § 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1 or 18.2-371.1	$1,692	Up to $850
Circuit	Probation Violation for Felony (except if Probation Violation for Class 1 Felony)	$445	Up to $155 OR Up to $850 if Probation Violation for Class 2 Felony or for Felony Violation of § 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1 or 18.2-371.1
Circuit	Misdemeanor (except for statutes in below box)	$330	Not Available
Circuit	Misdemeanor under § 18.2-266, 18.2-266.1, 18.2-270 or 46.2-341.24	$448	Not Available
Circuit	Probation Violation for Misdemeanor Punishable by Jail	$180	Not Available
Circuit	Juvenile Adjudication on Appeal	$680	Not Available
Circuit	Probation Violation for Appealed Juvenile Adjudication	$180	Not Available
*Defense of an unclassified felony punishable by 20 years or less is compensated as a Class 3 or 4 Felony, or by more than 20 years as a Class 2 Felony.			
Fee for additional waiver is in the discretion of the court.			

General Information and Instructions

Fee waivers may only be approved by the court in which the case is concluded.

The General Assembly has authorized the above schedule for compensation for an attorney appointed by the court in a case other than a Class 1 Felony. If co-counsel (more than one attorney) is appointed to represent a defendant at the same time in a case other than a Class 1 Felony or mandatory life offense, then co-counsel shall share the statutory fee, supplemental statutory waiver amount, and fee for additional waiver permitted for one attorney. In the circuit court, court-appointed counsel who is granted leave of court to withdraw and who terminates the representation prior to conclusion of the case, is eligible for the statutory fee and the supplemental statutory waiver amount but is ineligible for a fee for additional waiver.

Calculation of time expended for court-appointed representation should reflect actual time spent out of court preparing for cases and actual time spent representing clients in court. When an attorney is in court representing multiple defendants on the same day or representing one defendant for multiple charges on the same day, calculation of the total actual time spent in court should be apportioned among defendants and/or among charges accordingly. For example, if court-appointed counsel is in court on one day for five hours representing five clients, the total time that is allowable for being in court on that day is five hours. In that instance, it might be appropriate to record one hour of in-court time for each defendant on that date, or some other division of time more accurately reflecting the time spent for each defendant. Similarly, if court-appointed counsel spends five hours in court representing one defendant for three separate charges, the total time that is allowable is five hours for all three charges. In the examples above, court-appointed counsel should not record five hours of in-court time for each of the five defendants or for each individual charge, which would result in improper duplicate payments that do not reflect the total actual time spent in court on that day. Total actual time spent out of court should be apportioned in the same manner.

Upon submission by counsel of a detailed accounting of time expended for court-appointed representation,[1] the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of the statutory fee and authorize additional compensation up to the supplemental statutory waiver amount when the effort expended by counsel, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver.

Counsel may also request additional compensation exceeding these amounts by submitting a written request with a detailed accounting of the time spent[2] and justification for the additional amount. The presiding judge shall determine, subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia, whether this request for additional compensation above the supplemental statutory waiver amount is justified, in whole or part, by considering the effort expended and time reasonably necessary for the particular representation, and, if so, shall

[1]Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law.

[2]Time shall be recorded in increments not greater than .10 hour (6 minutes). The hourly rate for court-appointed counsel, including guardians ad litem, is considered to include staff time and office overhead. Therefore, court-appointed counsel, including guardians ad litem, should not bill for staff time or office overhead, unless it is expressly authorized by law.

forward the request as approved to the chief judge of the circuit court or district court for approval.

If both the presiding judge and the chief judge determine that an additional amount is justified based upon the novelty, difficulty, effort expended and time required for the particular representation and they approve a fee for such an additional waiver amount greater than:

- $2,500 in any district court,
- $3,750 in any circuit court misdemeanor or circuit delinquency charge,
- $6,250 in any circuit court felony, class III to VI charge, or
- $18,750 in any circuit court felony class II charge,

then such request for an additional waiver amount in excess of the foregoing amounts shall be submitted by the Chief Judge to the Office of the Executive Secretary, with the DC-40A and all supporting documentation, and upon review by the Chief Justice of the Supreme Court, may be paid in full, or in lieu of full payment, be approved for a partial payment. Partial payments shall be made only in the event the Chief Justice finds such partial payment is necessary to promote the equitable distribution of waiver funds through the end of the fiscal year.

These procedures are in addition to guidelines posted at https://www.vacourts.gov/forms/district/statutory_criteria_fee_cap_waiver_guidelines.pdf

The payment approval process,[3] including review and approval of invoices by the Office of the Executive Secretary, is a function of the Supreme Court of Virginia's oversight of the judiciary's budget and management of funds, including the Criminal Fund. Fee waivers are paid from a finite appropriation allocated to the fiscal year. The foregoing process is necessary to facilitate the fair distribution of funds as provided for in the Code of Virginia and the Budget.[4]

There is no appeal process available if an application for waiver of fee caps is denied. Additionally, if at any time the funds appropriated to pay for waivers become insufficient, the Executive Secretary of the Supreme Court of Virginia shall so certify to the courts and no further waivers shall be approved or paid.

[3] See Virginia Code § 2.2-810.

[4] See Item 35 of the 2018-20 Biennial Budget.

Appendix B - Criminal Fees and Costs Schedule

In any case in which a defendant owes fines and costs and where such defendant's sole financial resource is a Social Security benefit or Supplemental Security Income, then such defendant shall be exempt from making payments at least until such time that such defendant has a resource other than a Social Security benefit or Supplemental Security Income. If such defendant informs the court that his sole financial resource is a Social Security benefit or Supplemental Security Income, the case shall not be referred to collections pursuant to § 19.2-349. Courts shall include in payment plan policies developed in accordance with §§ 19.2-354 and 19.2-354.1 that where the court is informed that a defendant receives a Social Security benefit or Supplemental Security Income, no payment toward fines and costs shall be taken from such exempt resource.

No Social Security benefit or Supplemental Security Income shall be considered an available resource in determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of payments, if any. VA. Code § 19.2-354.1(J)

Fees and Costs (A-C)

Abandoned Vehicle Costs

Costs assessed for recovering expenses to remove or store an abandoned vehicle.

Revenue Code	Amount Assessed	Reference(s)
13S (113) 202*	Actual expenses	§ 46.2-1209 Chart of Allowances
*Use only if locality paid for services and locality is to be reimbursed by the Commonwealth		

When/How Collected:
Where it is shown that the vehicle was abandoned by the owner or is stolen or illegally used by a person other than the owner, the costs for removal/storage is taxed against the convicted defendant/owner. In this instance, the Commonwealth is not responsible for the cost of towing/storage.

If the identity of the owner cannot be determined or the owner was not the violator or if the owner/defendant is found not guilty, the cost for removal/storage is paid by the Commonwealth. In this instance, the Commonwealth's attorney presents the clerk with a bill from the vendor (towing company). The clerk then prepares and submits a DC-40, List of Allowances along with the original bill, to the Office of the Executive Secretary for further processing. The vendor is subsequently reimbursed by the Commonwealth (State Treasurer).

Add-On Fees/Costs

Fees/Costs authorized to be added to amounts assessed for Fixed Felony or Misdemeanor Fees, pursuant to Va. Code § 17.1-275.5.

Type	Revenue Code	Amount Assessed	Reference(s)
Court Appointed Counsel	120 state 217 local	As authorized by DC-40; waiver amount not assessed	19.2-163
Transcripts	13J (113)		§ 17.1-275.5(A)2
Extradition	13G		§ 17.1-275.5(A)3
Psychiatric Evaluation Costs	13A		§ 17.1-275.5(A)4
Appellant Costs	120 & 110		Rule 5A:30
Bad Check/ Credit Card Fee	135	A fee of $50 or 10% of the amount to be paid, whichever is greater	§ 17.1-275(A)28
Jury Costs	181 210	$50.00/day/juror Commonwealth pays felonies & all misdemeanors unless local warrant or summons. Grand jurors paid by locality. Multi-jurisdictional paid by Commonwealth	§17.1-618 §17.1-619 §19.2-205 §19.2-215.4
Drug Offender Fee	107	$150 for each felony conviction/disposition	§ 17.1-275 (A) 10
Drug Offender Fee	107	$25 civil penalty for misdemeanor possession of marijuana	§§ 4.1-1100, 18.2-251.02
Blood Withdrawal Fee-DUI	133	Not to exceed $25	§ 18.2-268.8; § 46.2-341.26:8
Ignition Interlock Device Costs	13C	$20	§ 18.2-270.1
Remote Alcohol Monitoring Device Costs	13K (113)	$20	§ 18.2-270.1
Investigator Fees –	13L (113)	Varies	§ 19.2-332

Approved for Court Appointed Counsel or Public Defender			
HIV Blood Test	133	Analysis by Consolidated Labs- amount for testing conducted varies. Amount varies for blood withdrawal	§ 18.2-62, § 18.2-346.1
Jail Admission Fee	234	Not to exceed $25	§ 15.2-1613.1
Courthouse Security Fee	244	Not to exceed $20	§ 53.1-120
DNA Sample Fee	13D 233	$53 Fee is split between state and locality	§19.2-310.2
Reimbursement of Medical Fees	13Q (113)	Varies	§ 19.2-165.1
Local Criminal Justice Training Academy Fee	243	Amount Set by Local Ordinance	§ 9.1-106
Driving Under the Influence Fee	13B	$100	§ 16.1-69.48:1.01 § 17.1-275.11
Certificate of Analysis Fee	13M (113)	$50 for appearance of analyst at trial or hearing, if demanded by defendant	§ 19.2-187.1
Electronic Summons Fee	241	Not to Exceed $5.00 set by local ordinance	§ 17.1-279.1

When/How Collected:
Assessed in addition to the fixed fees provided for by §§ 17.1-275.1 through 17.1-275.4, 17.1-275.7, through 17.1-275.11, 17.1-275.11:1 or 17.1-275.12.

Appellant Costs

Except as otherwise provided by law, if an appeal is dismissed, costs shall be taxed against the appellant, if a judgment is affirmed, costs shall be taxed against the appellant; if a judgment is reversed, costs shall be taxed against the appellee; if a judgment is affirmed in part or reversed in part, or is vacated, costs shall be allowed as ordered by the Court of Appeals.

Revenue Code	Amount Assessed	Reference(s)
120 & 110	Varies, as mandated by court order	Rule 5A:30

When/How Collected
Assessed as directed by mandated by court order from the Court of Appeals.

ASAP - Alcohol Safety Action Program Fee

Fee for entrance into a driver alcohol rehabilitation program as ordered by the court for violation of Va. Code §§ 29.1-738, 18.2-266, 29.1-738.5, 46.2-341.24 and 46.2-341.4 or any local ordinance similar thereto.

No less than $250 but no more than $300. Upon a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention under any such program may be charged. § 18.2-271.1 (B), § 29.1-738.5 (B).

When/How Collected
ASAP fees are assessed but not collected by the court and are not added to the defendant's costs. The defendant remits payment directly to the local program.

Bad Check/Credit Card Fee

Fee charged when a defendant tenders a check for payment of fines and/or costs and the check is returned unpaid by the banking institution upon which it is drawn or pays with a credit card which is disallowed.

When/How Collected
Taxed against the defendant as additional costs.

Blood Test Fee

Alcohol and Drugs (DUI Cases)

Fees associated with chemical test(s) to determine the alcohol and/or drug content of blood when a defendant is charged with a violation of Va. Code § 18.2-266 (Driving under the Influence) or of a similar ordinance of any city, county or town. These fees are generally assessed as costs in the district court. Analysis of the blood sample is conducted by the Virginia Division of Consolidated Laboratories. A second blood sample analysis may be conducted by an independent (private) laboratory upon request of the defendant. (Any costs associated with this private laboratory testing should be billed to the defendant or the defendant's counsel.)

Note: The number of drugs tested cannot exceed the number authorized by the Division of Consolidated Laboratories as a result of their analysis of the first sample (vial).

Revenue Code	Amount Assessed	Reference(s)
133 233*	**Alcohol Only:** Not to exceed $25 Consolidated Lab analysis (1st vial) - $25 Private lab analysis (2nd vial) requested by defendant-Not to exceed $50 **Drug or Drug & Alcohol:** Not to exceed $25 State Lab Analysis (1st vial) - $25 Private lab analysis (2nd vial) requested by defendant-Not to exceed $50	§ 17.1-275.5(9); 18.2-268.8; 46.2-341.26:8; Chart of Allowances
*Use this code only if the locality pays for blood withdrawal and the court reimburses the locality.		

When/How Collected
Assessed against defendant upon conviction.

When analysis is conducted by a private lab (2nd vial), the bill is to be paid by the defendant or the defendant's attorney. Documentation for testing fee amounts and receipt for payment is required to be attached to the DC-40, List of Allowances submitted by the attorney when claiming expenses for these testing fees. The clerk's office should not receive an invoice directly from the laboratories for payment of analysis for a 2nd vial of blood.

DNA Analysis

Fee associated with DNA (deoxyribonucleic acid) analysis and blood typing, Every person convicted of a felony on or after July 1, 1990, every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989, and every person convicted of a violation of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, (iv) § 18.2-130 or (v) § 18.2-370.6 shall have a sample of their blood, saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. The identification characteristics resulting from the analysis are maintained in a DNA data bank. The DNA analysis and blood typing must be performed by the Virginia Division of Forensic Science.

Blood samples from persons sentenced to incarceration shall be withdrawn by the receiving unit or such other place as designated by the Department of Corrections. The required sample from persons who are not sentenced to incarceration shall be withdrawn at a time and place specified by the sentencing court.*

Revenue Code	Amount Assessed	Reference(s)
13D (Common-wealth) 233 (Locality)	• The fee is $53 with $38 going to the Commonwealth and the remaining $15 to the locality. • The fee applies only to felonies and certain misdemeanors as defined above. It is not contained within the fixed fees so it must be added on ONE time per sentencing event rather than on each case or count tried on a particular day. • If a sample has been previously taken from the person as indicated by the Local Inmate Data System (LIDS), no additional sample shall be taken.	§§ 17.1-275.5(14); 19.2-310.2, 19.2-310.2:1, 19.2-310.3, 19.2-332
Suggestion: DO NOT charge the fee if it is determined that a DNA sample has been previously taken prior to the offense you are assessing costs for. If a sample exists in the DNA database another sample is not required.		

When/How Collected
Taxed against and collected from defendant upon conviction.

When the court is authorized to designate the agency/facility to perform the blood withdrawal, a governmental facility such as a local jail, local Department of Corrections facility, or local health department should be used whenever feasible. If such resources are not available, blood withdrawal may be performed by a private medical professional authorized to withdraw blood pursuant to § 19.2-310.3. To receive reimbursement for blood withdrawal services performed by a private medical provider (e.g. local health dept.), the service provider must submit a bill or statement of expenses to the court. The clerk then forwards to the Office of the Executive Secretary the original bill, a completed DC-40, List of Allowances, and a copy of the CC-1390, Order for Withdrawal of Blood Samples.

Note: In those cases where a felon is placed in the custody of the sheriff to serve a term of imprisonment, the costs associated with blood withdrawal for DNA analysis are absorbed by the sheriff. The Office of the Executive Secretary will provide reimbursement for blood withdrawal services only in the following circumstances:

- When a convicted felon is not sentenced to a period of confinement (i.e., the felon received a suspended sentence or was placed on probation with no time to serve); or
- When a convicted felon receives a suspended sentence as noted

in #1 but is remanded to the custody of the sheriff solely for the purpose of blood withdrawal; and

- When blood withdrawal services are performed by a private physician, nurse or non-state-funded entity (e.g., by one other than personnel salaried by the sheriff or the Department of Corrections).

HIV & Hepatitis B or C Testing

Fee associated with chemical testing of blood to determine if a defendant is infected with HIV (human immunodeficiency virus) or Hepatitis B or C. Such testing, which is conducted by the Virginia Division of Consolidated Laboratories, may occur in the following situations:

- When, following arrest, and upon request of the Commonwealth's attorney, the defendant is charged with sexual assault in violation of Article 7 of Chapter 4 of Title 18.2, or any offense against children prohibited by Va. Code §§ 18.2-361, 18.2-366, 18.2-370 and 18.2-370.1. The defendant may object to such testing in which event the circuit court will conduct a probable cause hearing to determine if the defendant has committed the crime for which he is charged. If probable cause is found, the court shall order the test pursuant to Va. Code § 18.2-62 (A).
- When the defendant is convicted of any offense listed above and upon request of the Commonwealth's attorney, the court shall order the test pursuant to Va. Code § 18.2-62 (B).
- When the defendant is convicted of prostitution as prohibited by Va. Code § 18.2-346 or any crime against nature as prohibited by Va. Code § 18.2-361. Upon conviction, the court shall order the test pursuant to Va. Code §18.2-346.1.

Revenue Code	Amount Assessed	Reference(s)
133	Amount varies	§§ 17.1-275.5 (11); 18.2-62, 18.2-346.1; Chart of Allowances
* While there are no restrictions under §§ 18.2-62 and 18.2-346.1 on who may withdraw blood for HIV testing, blood withdrawal should be conducted by public health or local sheriff's department personnel who are familiar with HIV confidentiality and reporting provisions. Expense claims received from the local health department for reimbursement should be submitted to the Office of the Executive Secretary, along with a DC-40, List of Allowances and a copy of the CC-1390, Order for Withdrawal of Blood Samples. In cases where sheriff's department personnel perform blood withdrawal services,		

the sheriff's department absorbs such costs.

When/How Collected
Taxed against and collected from defendant upon conviction.

HLA (Paternity Cases)

Fees associated with chemical test(s) to determine paternity. The court before whom the trial of any matter in which the question of paternity arises may direct and order the alleged father, the mother and child to submit to such blood grouping test. These costs would be assessed in a circuit court criminal case primarily when a criminal non support case is appealed from the Juvenile and Domestic Relations District (J&DR) Court or in a rape case. Any duly qualified lab or expert, either within or outside the Commonwealth, may conduct blood testing for paternity.

Revenue Code	Amount Assessed	Reference(s)
133	Varies	§ 20-49.3; Chart of Allowances

When/How Collected
Generally, such costs will be assessed in the J&DR court's order and collected from the defendant upon conviction for criminal non support in circuit court. Added to defendant costs only if assessed in the District Court.

The court shall require the party requesting such test to pay the costs. However, if such person is indigent, the Commonwealth shall pay for the test. In order for the expert to be paid for the costs of the test when the requesting party is indigent, the expert must submit a bill to the clerk. The clerk then submits the bill with a DC-40, List of Allowances to the Office of the Executive Secretary for further processing. The expert is subsequently reimbursed by the Commonwealth (State Treasurer).

Boating Education Civil Penalty

Civil penalty assessed on anyone who operates a motorboat with a motor of 10 horsepower or greater without having successfully completed an approved boating safety education course.

Revenue Code	Amount Assessed	Reference(s)
030	$100	§ 29.1-735.2(H)

When/How Collected
District court assesses this penalty as costs on the summons. If the case is appealed and the defendant is convicted in circuit court, the circuit court taxes and collects the penalty

from the defendant, along with other applicable costs and fees as a result of the appeal.

Bond Forfeiture

Money/property that was previously posted as security for a bail bond and later forfeited as a result of the defendant's failure to meet the terms and conditions of their bail and recognizance.

Revenue Codes 110 (Commonwealth) and 201 (Local) are not applicable. § 19.2-143 et seq.

When/How Collected
See Chapter 8, Forfeitures: Bail Bond of the Civil Manual

Certificate of Analysis Fee

A defendant may demand the testimony of an analyst who prepared lab reports in court. If convicted the defendant must pay $50 court costs for expenses related to that appearance.

Revenue Code	Amount Assessed	Reference(s)
13M (113)	$50	§19.2-187.1

When/How Collected
Fee assessed upon conviction, in addition to fixed fees. If the defendant demands the appearance of the analyst multiple times during the course of the trial, the fee would be assessed for each appearance.

Child Safety Restraint Device Penalty

Penalty assessed upon conviction for failure to properly restrain a child in a safety device while operating a motor vehicle.

Revenue Code	Amount Assessed	Reference(s)
114	$50 for violation of Va. Code § 46.2-1095 or $20 penalty for failure to carry a statement of exemption in violation of Va. Code § 46.2-1096. For a 2nd or subsequent violation a penalty of up to $500.	§§ 46.2-1095, 46.2-1096, 46.2-1097, 46.2-1098

When/How Collected
No court costs are assessed for a violation of Va. Code § 46.2-1095, pursuant to Va. Code §

46.2-1098.

Cigarettes: Tax-Paid Contraband Cigarettes

A civil penalty imposed for possession with intent to distribute tax-paid, contraband cigarettes. The civil penalties shall be assessed and collected by the Department as other taxes are collected.

Revenue Code	Amount Assessed	Reference(s)
520	$2.50 up to $5,000 per pack for 1st offense, $5 up to $10,000 per pack for 2nd offense within a 36-month period, and $10 up to $50,000 per pack for 3rd or subsequent offense within a 36-month period	§ 58.1-1017.1

NOTE: The civil penalty may be collected directly by the Department of Taxation or if ordered payable to the court, receipt these funds as restitution (revenue account code 520) and subsequently disburse to the Department of Taxation.

When/How Collected
If ordered by Court, collect as restitution and payments are disbursed to:

Department of Taxation
Tobacco Unit
PO Box 715
Richmond, VA 23218
(804) 371-0730

No court costs are assessed for a violation of § 58.1-1017.1.

Clerk's Processing Fee (District Court Clerk)

Processing fee assessed in misdemeanor and traffic violation cases heard in district court.

Revenue Code	Amount Assessed	Reference(s)
460 (Traffic Infraction)	$51 per charge	§ 16.1-69.48:1 § 19.2-335 Attorney General Opinion to Foreman dated 8/30/90 (1990)
461 (Misdemeanor – Criminal & Traffic Misdemeanor)	$61 per charge	
462	$136 per charge	

(Misdemeanor Drug)		

When/How Collected

The district court clerk assesses these fees on the summons or misdemeanor warrant in addition to any other costs specifically provided by statute. Va. Code § 16.1-69.48:1 (A). If a case is appealed, the circuit court clerk collects these costs (in addition to circuit clerk's fees) from the defendant upon conviction in circuit court.

Notes:

- District court will combine these costs for multiple charges arising from the same incident.
- District assessment on appealed cases may show difference between fixed fee amount on multiple charges arising from the same incident if one is prepaid and then there is a conviction on other case where higher fixed fee should have been assessed.
  - Infraction and Misdemeanor: 132 set at $6; 140 set at $4
  - Infraction and Drug case: 107 set at $75; 132 set at $6; 113 set at $4
  - Misdemeanor and Drug case: 107 set at $75

Computer Analysis Fee

Upon a finding of guilty of any charge or charges in which any computer forensic analysis revealed evidence used at trial of a defendant, the defendant may be assessed costs for each computer analyzed by any state or local law-enforcement agency.

Revenue Code	Amount Assessed	Reference(s)
520	Not to exceed $100 for each computer analyzed.	§17.1-275.11:1

When/How Collected

Assessed upon a finding of guilty. Upon motion to the court of an affidavit by the law-enforcement agency, the Court will determine the amount to be assessed, and may order such amount paid to the law-enforcement agency.

Concealed Handgun Permit

Civil Penalty for not carrying a government issued photo identification with concealed handgun permit.

Revenue Code	Amount Assessed	Reference(s)
110	$25	§18.2-308.01

When/How Collected

Taxed against the defendant upon conviction.

Confiscated Monies/Property

Money/property confiscated at arrest and, upon conviction of the defendant, ordered to be forfeited to the Commonwealth or other agency.

Revenue Code	Amount Assessed	Reference(s)
111 (Non-drug related forfeiture of money) 509*	N/A	§§ 4.1-336, 4.1-338 illegal alcohol § 4.1-339 contraband § 19.2-386.2 enforcement by information §§ 19.2-386.1 through 19.2-386.31 drugs § 19.2-386.16 automobiles § 19.2-386.22 property used in connection with drug offenses §§ 19.2-386.23, 19.2-386.24, 19.2-386.25 substances § 19.2-386.29 weapons § 19.2-386.30 gambling Chapter 22.1, Title 19 forfeitures in drug cases Chapter 22.2, Title 19 miscellaneous forfeiture provisions
*Use only if court directs that the proceeds of seized property be remitted to another agency, e.g. local law enforcement.		

When/How Collected

Costs of sale of seized property are collected directly by the sheriff or law enforcement agency. Any remaining money is forwarded to the clerk who remits it to the Commonwealth.

Court Appointed Attorney Costs

Costs of attorney appointed by the court to represent an indigent defendant. These costs cover the attorney's time and allowable expenses and materials. A change to §19.2-163 effective January 1, 2025 increased the fees that court-appointed counsel can receive for representation but also limited the fees charged for the cost of court-appointed counsel or public defender representation to persons determined to be indigent to an amount no greater than the amount such person would have owed if such fees had been assessed on or before June 30, 2024 (*See* chart below).

Revenue Code	Amount Assessed	Reference(s)
120 (State Charges) 217 (Local Charges) 261, 266, 271, 276, 281, 286, 291 (Town Charges)	See Chart of Allowances and Court Appointed Counsel Guidelines & Procedures Manual.	§§16.1-267; 17.1-275.5(1); 19.2-163, 19.2-182(A), 19.2-326; Chart of Allowances; Court Appointed Counsel Guidelines & Procedures Manual

Note: When Court Appointed Counsel represents an indigent charged with repeated violations of the same section of the Code of Virginia, with each violation arising out of the same incident, occurrence, or transaction, counsel shall be compensated in an amount not to exceed the fee prescribed for the defense of a single charge, if such offenses are tried as part of the same judicial proceeding.

Note: If a court-appointed attorney is substituted with another court-appointed attorney during the pendency of the case, both attorneys may submit for reimbursement but only the amount allowed by statute should be assessed against the defendant for each offense.

When/How Collected

Allowable amount is taxed against the defendant upon conviction. The court appointed attorney, to receive reimbursement, must submit a DC-40, List of Allowance and, if seeking a waiver to the statutory caps, a DC-40(a) to the court for State charges and local form for local charges, preferably at the time of sentencing. Pursuant to Va. Code § 19.2-163, the court-appointed attorney must make a written request for payment of fees within 30 days of trial.

Note: The circuit or district court shall direct that the foregoing payments shall be paid out by the Commonwealth, if the defendant is charged with a violation of a statute, or by the county, city or town, if the defendant is charged with a violation of a county, city or town ordinance, to the attorney so appointed to defend such person as compensation for such defense. Va. Code § 19.2-163.

The procedures listed below would then be followed. Any statement submitted by an attorney for payment due them for indigent representation or representation of a child pursuant to Va. Code § 16.1-266 shall, after submission of the statement, be forwarded forthwith by the clerk to the Commonwealth, county, city or town, as the case may be, responsible for payment. Va. Code § 19.2-163.

If the defendant had three (3) charges against them and was convicted on only two (2),and if the attorney is allowed compensation by the Court for all three cases, the amount

allowed by the Court would be apportioned between/among cases of conviction up to maximum amount allowed per case.

Note: the defendant would only be responsible for reimbursing/paying the fee assessed on the two cases for which he was convicted.

Example: Defendant convicted of two class 4 felonies and one charge was nolle prosequi. Attorney requests $2472 for all three cases and is approved by the judge. Allocate as follows:

- Convicted Felony Charge 1 - $445 (allowable maximum)
- Convicted Felony Charge 2 - $445 (alloweable maximum)
- The remaining amount for the Nolle Prosequi Charge is uncollectible because of allowed fee.

Suggestion: Attempt to recapture as much of the court-appointed attorney fee as possible within the maximum allowances allowed each case by Va. Code § 19.2-163.

Note: Only the amount allowed per statute, plus reasonable expenses, should be applied per case: If attorney is granted a waiver for the fee caps, only the pre-waiver amount is allowed to be charged as costs to the defendant.

Charge*	Maximum Statutory Fee Payable to COA	Maximum Supplemental Statutory Waiver Amount	Maximum Fee Assessed Against Defendant (or parent/guardian in delinquency cases, if ordered
Felony, Class 3 to 6 (except for statutes in below box)	$834	Up to $155	$445
Felony, Class 2 OR Felony Violation of §§ 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1 or 18.2-371.1	$1,692	Up to $850	$1,235
Probation Violation for Felony	$445	Up to $155 OR	$445

(except if Probation Violation for Class 1 Felony)		Up to $850 if Probation Violation for Class 2 Felony or for Felony Violation of § 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1 or 18.2-371.1	
Misdemeanor (except for statutes in below box)	$330	Not Available	$158
Misdemeanor under §§ 18.2-266, 18.2-266.1, 18.2-270 or 46.2-341.24	$448	Not Available	$158
Probation Violation for Misdemeanor Punishable by Jail	$180	Not Available	$158
Juvenile Adjudication on Appeal	$680	Not Available	$158
Probation Violation for Appealed Juvenile Adjudication	$180	Not Available	$158
Delinquency	$680	Not Available	$158
*Defense of an unclassified felony punishable by 20 years or less is compensated as a Class 3 or 4 Felony, or by more than 20 years as a Class 2 Felony.			
Fee for additional waiver is in the discretion of the court.			

There is no statutory limit for defending a Class 1 felony offense.

Probation Revocations

Example: Defendant had five (5) original charges and convicted on three (3).

The attorney would be allowed payment for the maximum amount allowed by statute0 .0on ONE (1) of the original charges. The attorney may submit for the amount allowed by statute for the offense with the highest fee allowance, regardless of which offense

costs are assessed. The DC-40, LIST OF ALLOWANCES, should contain only one case number indicating that it was a probation violation under Va. Code § 19.2-306 and should state the original Code section charged that they are claiming payment.

1. If the offense is a local violation and the defendant pays the costs at sentencing, the clerk receipts the defendant's payment under revenue code 217. The clerk may then write a check payable to the attorney, drawing from revenue code 217 or follow the procedures in #4 if a DC-40 has been accepted and endorsed by the judge.
2. If the offense is a local violation and the defendant does not pay costs at the time of sentencing, the clerk bills the locality for the cost of the court appointed attorney. The locality then pays the attorney directly. When the defendant subsequently remits payment(s) for attorney costs to the court, the clerk receipts payment(s) under revenue code 217 and transmits such payments to the locality at month's end.
3. If the offense was a state violation and the defendant pays the costs at sentencing, the clerk receipts the defendant's payment under revenue code 120. The clerk may then write a check payable to the attorney, drawing from revenue code 120.
4. If the offense is a state violation and the defendant does not pay the attorney costs at sentencing, the attorney will submit a List of Allowances (Form DC-40) via EVPS (Electronic Payment Voucher System) or paper submission to be endorsed by the judge, then the clerk submits the DC-40 to the Office of the Executive Secretary for further processing. The attorney is later reimbursed by the Commonwealth (State Treasurer). When the defendant subsequently remits their costs to the court, the clerk receipts the payment(s) under revenue code 120 and transmits the money to the State Treasurer.
5. Expenses submitted by an attorney on a DC-40 should be assessed to the defendant.

Courthouse Construction Fee (CHCF)

Fee assessed in criminal and traffic cases and used by the local governing body solely for the construction, reconstruction, renovation of, or adaptive use of a structure for a courthouse. The assessment of this fee requires letter of non-compliance from DGS. The assessment provided for herein shall be in addition to any other fees prescribed by law. The assessment shall be required in each felony, misdemeanor, or traffic infraction case, regardless of the existence of a local ordinance requiring its payment. (This fee is also assessed in certain civil cases, as well.)

Revenue Code	Amount Assessed	Reference(s)
228 (Local)	Not to exceed $3	§ 17.1-281

When/How Collected
Taxed against and collected from defendant upon conviction.

Courthouse Maintenance Fund Fee (CHMF)

Fee assessed as part of fixed fees/costs in misdemeanor and traffic cases and used by the local governing body for the construction, renovation or maintenance of the courthouse, jail and/or other court-related facility and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance. The assessment provided for herein shall be in addition to any other fees prescribed by law. The assessment shall be required in each felony, misdemeanor, or traffic infraction case, regardless of the existence of a local ordinance requiring its payment.

Revenue Code	Amount Assessed	Reference(s)
229(Local) 263, 268, 273, 278, 283, 288, 293 (Cities)	Included in the Circuit Court fixed fees and in District court fixed fees. Fee would therefore be collected in both courts as part of their fixed fees.	§§ 16.1-69.48:1; 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.7, 17.1-275.8, 17.1-275.9; 17.1-281

When/How Collected
Taxed against and collected from defendant upon conviction.

Courthouse Security Fund (CHSF)

Fee assessed as part of costs in felony, misdemeanor, and traffic cases and used by the local governing body subject to appropriation by the governing body to the sheriff's office solely for the funding of courthouse security personnel and equipment used in connection with courthouse security. If a town provides court facilities for a county, the governing body of the county (not the clerk's office) shall return to the town a portion of the assessments collected based on the number of criminal and traffic cases originating and heard in the town. The imposition of such assessment must be by ordinance of the local governing body.

Revenue Code	Amount Assessed	Reference(s)
244	An amount as determined by each local governing body but not in excess of $20 per case shall be added on in addition to any fixed fee.	§ 17.1-275.5 (13); 53.1-120 (D) Local Ordinance

When/How Collected

- Taxed against and collected from the defendant upon conviction.
- Assessed on each case where the court enters a conviction.
- When this fee has been charged by a District Court and the case is appealed, the fee will be assessed for the district court and assessed again by the Circuit Court.

Special Note: For localities that adopt this fee, it is not included in any fixed fee and must be added on.

Court Reporter Costs

Costs of privately retained reporter or court employee responsible for recording proceedings and, if necessary, preparing transcript(s).

Revenue Code	Amount Assessed	Reference(s)
13F Transcripts Only	Amount having been established through a schedule of fees approved by the judge for preparation of transcripts.	§§ 19.2-165, 19.2-166; Chart of Allowances
NOTE: The per diem costs charged by the court reporter are not taxed and assessed against the defendant. Fees are distributed to the court reporter fund as set forth in Va. Code §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, and 17.1-275.8.		

When/How Collected

The costs of the transcripts from the court reporter are taxed against the defendant. The court reporter, to receive reimbursement for recording and preparing the transcripts, provides the clerk or a LIST OF ALLOWANCES (Form DC-40). The clerk then submits the DC-40, List of Allowances to the Office of the Executive Secretary for further processing. The reporter is subsequently reimbursed by the Commonwealth (State Treasurer).

Notes:

- The Commonwealth will not reimburse court reporting costs in misdemeanor cases. Such costs are the responsibility of the defendant requesting the reporter.
- *See* also Recording Equipment Costs, this section of this manual, for allocation from the fixed fees to Account Code 410.

Criminal Injury Compensation Fund Fee (CICF)

Fee assessed as part of fixed costs upon conviction of a felony or misdemeanor and collected for deposit in CICF. Such monies are available to victims of certain crimes to cover their losses.

Revenue Code	Amount Assessed	Reference(s)
132	Included in the Circuit court fixed fees as provided in Va. Code §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9. Also included in District court fixed fees. Fee would therefore be collected in both courts as part of their fixed fees.	§§ 16.1-69.48:1; 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, § 17.1-281; 19.2-368.18 (B) Attorney General Opinion to Barry, dated 1/23/85 (1984-85, pg. 85) Attorney General Opinion to Sandie, dated 8/10/76 (1976-77, pg. 61) Attorney General Opinion to Foreman dated 8/3/90 (1990, pg. 68)

When/How Collected
Taxed against and collected from defendant upon conviction.

Criminal Justice Training Academy Fund

Local

A locality who does not participate in a regional criminal justice training academy and if the locality was operating a certified independent criminal justice academy as of July 1, 2012, may charge a fee similar to the Regional Training Justice Academy fee. Any and all funds from such local fee shall support the local academy. The court should have a copy of the local ordinance on file.

Revenue Code	Amount Assessed	Reference(s)
243	Varies per Local Ordinance	§ 9.1-106

When/How Collected
Taxed against and collected from defendant upon conviction. It is charged in addition to the appropriate fixed fees. Fee would be collected from both courts.

Regional

Fee assessed upon conviction for felony and misdemeanor cases in the circuit court and misdemeanor and traffic cases in the district court.

Revenue Code	Amount Assessed	Reference(s)
143	Included in the Circuit court fixed fees. Also included in District court fixed fees. Fee would therefore be collected in both courts as part of their fixed fees.	§§ 9.1-106; 16.1-69.48:1; 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9

When/How Collected
Taxed against and collected from defendant upon conviction.

Fees and Costs (D-J)

DNA Analysis Fee

Defendants convicted of certain violations are required to have DNA samples taken by local law enforcement and then tested, stored and maintained by the Department of Forensic Science.

Revenue Code	Amount Assessed	Reference(s)
13D 233	$53 – $38 (13D) + 15 (233) Fee is split between Commonwealth & Locality	§ 19.2-310.2

When/How Collected
The fee is assessed once convicted upon sentencing. To determine if an offense requires a sample check the DNA Sample Tracking Login Page.

Note: The fee is assessed one time per defendant, rather than on each case tried. If a sample has been previously taken from the person as indicated by the Local Inmate Date System (LIDS), no additional sample should be taken.

Driver Improvement Clinic Fee

Fee for entrance into a driver improvement education and training program designed to assist problem drivers. Fee varies depending on program. §§ 46.2-502, 46.2-505; 17.1-275(A)(12)

When/How Collected
These fees should not be collected by the court but rather paid directly by the defendant

to the local driver improvement clinic/traffic school. **Note:** The court may require a defendant to successfully complete a driver improvement clinic or traffic school in lieu of a finding of guilty. Should this be the case, the defendant would still be taxed all other fees and costs as if he were convicted.

Drug Analysis (Forensic Lab) Costs

Costs of forensic analysis of drugs seized as evidence in a case.

Revenue Code	Amount Assessed	Reference(s)
13H	Included in the Circuit court fixed drug misdemeanor fee.	§ 17.1-275.8 Attorney General Opinion to Davila, dated 11/23/77 (1977-78, pg. 95)

When/How Collected
Taxed against and collected from defendant upon conviction of each and any misdemeanor charge, whether or not originally charged as a felony, for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or upon a deferred disposition of proceedings in the case of any and each misdemeanor charge, whether or not originally charged as a felony, deferred pursuant to the terms and conditions of Va. Code § 18.2-251.
A certificate of analysis must be filed in order to collect these costs from the defendant.

Note: The costs for forensic laboratory analyses are neither billed to the circuit court nor processed for reimbursement by the Office of the Executive Secretary. Instead, such costs, when recovered from the defendant, are paid into the state's general fund via receipting the payment under revenue code 13H.

Drug Enforcement Jurisdiction Fund (DEJF) Fee

Fee assessed upon conviction of a misdemeanor or traffic infraction case. Such monies are subsequently deposited in a special non-reverting fund administered by the Department of Criminal Justice Services. The fund is intended to provide additional resources to supplement the efforts of local officials in the apprehension and prosecution of persons engaged in drug-trafficking activities.

Revenue Code	Amount Assessed	Reference(s)
140	Included in the Circuit court fixed fees. Also included in District court fixed fees. Fee would therefore be collected in both courts as part of their fixed fees.	§§ 9.1-105; 16.1-69.48:1; 17.1-275 (D); 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7,

		17.1-275.8, 17.1-275.9

When/How Collected
Taxed against and collected from defendant upon conviction.

Drug Offender Assessment Fund (DOAF)

Fee assessed upon a conviction of any felony drug offense under Article 1 (§ 18.2-247 et. seq.) of Chapter 7 of Title 18.2, Subtitle II (§ 4.1-1100 et. seq.) of Chapter 11 of Title 4.1, in first offender drug cases disposed under Va. Code § 18.2-251 and as a civil penalty for misdemeanor possession of marijuana convictions The clerk shall pay the fees collected to the state treasury.

Revenue Code	Amount Assessed	Reference(s)
107	$150 for each felony drug conviction/disposition.	§§ 16.1-69.48:3; 17.1-275(A)(11), 17.1-275.5(8); 18.2-251.02
107	$25 civil penalty for misdemeanor possession of marijuana (no costs assessed)	§§ 4.1-1100, 18.2-251.02
NOTE: Fee is included in the Fixed Misdemeanor Drug fee		

When/How Collected
Taxed against and collected from the defendant upon conviction or upon disposition under Va. Code § 18.2-251.

DUI Fee

Additional fee charged on convictions of DUI related offenses.

Revenue Code	Amount Assessed	Reference(s)
13B (113)	$100	§17.1-275.11

When/How Collected
Taxed against and collected from the defendant upon conviction of any and each charge of a violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-268.3, 46.2-341.24 or § 46.2-341.26:3, or any similar local ordinance.

Electronic Summons (E-Citation)

Fee to be used for the implementation and maintenance of an electronic summons system. The imposition of such assessment must be by ordinance of the local governing body. The court should have a copy of the local ordinance on file.

Revenue Code	Amount Assessed	Reference(s)
241	Not to exceed $5.00	§§ 17.1-275.5(19); 17.1-279.1

When/How Collected
Taxed against and collected from defendant upon conviction in each criminal or traffic case. If a case is appealed, the circuit court clerk collects both the amounts assessed in district and circuit court.

Electronic Summons (Virginia State Police)

A fee of $5 shall be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation. All fees collected pursuant to this section shall be deposited into the state treasury and credited to the Virginia State Police Electronic Summons System Fund.

Revenue Code	Amount Assessed	Reference(s)
165	Not to exceed $5.00	§ 17.1-275.14

When/How Collected
Taxed against and collected from defendant upon conviction in each criminal or traffic case if the Virginia State Police was the issuing agency. If a case is appealed, the circuit court clerk collects both the amounts assessed in district and circuit court.

Extradition Costs

Costs and expenses associated with the transport of any defendant who is charged with an offense in Virginia but who is located in another state.

Revenue Code	Amount Assessed	Reference(s)
*13G (If applicable)	Actual costs and expenses	§§ 17.1-275.5(3); 19.2-112; 19.2-335, 19.2-336; Chart of Allowances

When/How Collected
Commonwealth of Virginia shall pay all extradition expenses and costs. The local law

enforcement agency that transported the defendant generally submits a voucher for expenses directly to the Office of the Executive Secretary for processing.

Extradition costs are added to court costs as an add-on pursuant to Va. Code § 17.1-275.5. Should the defendant pay the costs for extradition, the clerk should receipt such payments under revenue code 13G. If ordered by the court, costs may be set up as restitution under account code 520.

Failure to Appear Fee

Processing fee charged by the district court for non-appearance case

Revenue Code	Amount Assessed	Reference(s)
121	$35	§ 16.1-69.48:1(A)

When/How Collected
District court, not Circuit court assesses this fee on the summons or warrant. If the case is appealed and the defendant is convicted, the fee is taxed against and collected from the defendant by the circuit court.

Failure to Pay Fare

Persons who board or ride a transit operation and fail or refuse to pay the applicable fare or refuse to produce valid proof of payment of the fare are subject to a civil penalty.

Revenue Code	Amount Assessed	Reference(s)
201	Not more than $100	§ 18.2-160.3

When/How Collected
Assessed on conviction. This is a civil action in the district court and appealed to circuit court. Civil in nature, handled in criminal division in circuit. No costs are assessed in district court; however, circuit court costs do apply.

Highway Litter

Fine assessed when defendant is convicted of littering, a class 1 misdemeanor.

Revenue Code	Amount Assessed	Reference(s)
128 (littering) 201(city or county)	No less than $250 or more than $2500 as ordered by court*	§§ 33.1-346, 10.1-1418, 10.1-1419,

260, 265, 270, 275, 280, 285, 290, 295 (town) 110 (state)		10.1-1424

When/How Collected
District court assesses this fine on the summons. If the case is appealed and the defendant is convicted in the circuit court, the circuit court taxes and collects the fine from the defendant, along with other applicable costs and fees as a result of the appeal. * If the fine revenue is remitted to the State Treasurer for the construction and maintenance of state highways.

If "clean up" costs are also ordered to be paid, see Va. Code § 10.1-1424. Such costs, if to be paid to a party other than the Commonwealth, should be receipted and disbursed under revenue code 509 - Collection for Others.

Forfeitures: Other than Bond

See Circuit Court Clerk's Manual – Civil

Game Replacement

Defendants convicted of certain game violations are required to pay the replacement cost of the animals, birds or fish illegally taken.

Revenue Code	Amount Assessed	Reference(s)
134	Based on approximate replacement value of animal, bird or fish taken illegally.	§ 29.1-551

When/How Collected
Assessed against and collected from defendant upon conviction of a violation of Va. Code §§ 29.1-523, 29.1-525.1, 29.1-530.2, 29.1-548, 29.1-550, or 29.1-552. The Comptroller shall credit such payments to the game protection fund.

Global Positioning System (GPS)

A subject may be required to be placed on a GPS tracking device, or other similar device when on secured bond, or as a condition of probation or suspended sentence. The defendant may be ordered by the court to pay the cost of such device.

Revenue Code	Amount Assessed	Reference(s)

520	As determined and ordered by the Court.	§ 19.2-123, -303

When/How Collected
Taxed against and collected from the defendant upon conviction. A court may order this to be paid directly to the party that places the device on the defendant.

Habeas Corpus

See Circuit Court Clerk's Manual - Civil

HIV, Hepatitis B or C Blood Test

Fees associated with chemical testing of blood to determine if a defendant is infected with HIV (human immunodeficiency virus) or Hepatitis B or C.

Revenue Code	Amount Assessed	Reference(s)
133	Amounts for testing and blood withdrawal varies. Assess amounts charged.	§§ 18.2-62 18.2-346.1

When/How Collected
Taxed against and collected from defendant upon conviction when testing is ordered by the court.

Ignition Interlock Fee/Remote Alcohol Monitoring Device

In addition to any penalties provided by law for convictions under Va. Code §§ 18.2-51.4 or 18.2-266 or a substantially similar ordinances of any county, city or town, any court of proper jurisdiction shall, as a condition of a restricted licenses, require an ignition interlock system or an ignition interlock system with a remote alcohol monitoring device for certain periods of time during the time of license suspension and restriction.

Note: The Department of Motor Vehicles shall publish a list of certified ignition interlock systems and shall ensure that such systems are available throughout the Commonwealth.

Revenue Code	Amount Assessed	Reference(s)
13C	$20	§ 17.1-275.5 (10); 18.2-270.1 (B)(E)

When/How Collected
It is assessed on each conviction where an ignition interlock device or an ignition interlock

system with a remote alcohol monitoring device is ordered. If both ignition interlock system and remote alcohol monitoring device are ordered, the $20 fee is assessed for both.

The fee is charged only one time per case. When this fee has been charged by a District Court and the case is appealed, it may not be charged again by the Circuit Court.

Increase Rate Fee

Increase the amounts owed and collected to reflect the costs associated with employing or contracting with agencies or individuals to collect delinquent accounts.

Revenue Code	Amount Assessed	Reference(s)
499	17% on delinquent debt referred to collection agents on or after July 1, 2013.	2013 Appropriations Act § 19.2-349

When/How Collected
The increase rate fee is automatically added at month end by the BU51 Report Listings of Unpaid Fines, Costs and Restitution. It is not subject to the accrual of judgment interest.

Interest on Judgments

Interest accrued on the unpaid balance of fines, costs and restitution.

Revenue Code	Amount Assessed	Reference(s)
109 (Commonwealth) 242 (city or county) 250, 251, 252, 253, 254, 255, 256, 257 (town)	6% from 7/1/04 to present 9% from 7/1/91 to 6/30/04 8% from 7/1/87 to 6/30/91 12% from 1/1/85 to 6/30/87 10% from 7/1/81 to 6/30/83 8% from 10/1/77 to 6/30/81	§ 6.2-302; 8.01-382; 19.2-305.4, 19.2-340, 19.2-353.5, 19.2-354; Attorney General Opinion to Davis, dated 3/23/89 (1989, pg. 194) Attorney General Opinion to Marshall, dated 2/14/86 (1985-86, pg. 190) Attorney General Opinion to Zepkin, dated 10/15/85 (1985-86, pg. 136) Attorney General Opinion to Parrish, dated 10/16/86 (1986-87, pg. 187)

When/How Collected

Interest is to be assessed on the unpaid balance when 180 days have passed since final judgment or the defendant's release from incarceration. Interest is not accrued during the defendant's incarceration or when the court has ordered, or a defendant has requested, a deferred payment and the defendant is making regular installment payments. Defendant may move for a waiver of interest owed during any period of incarceration.

The court, when ordering restitution pursuant to Va. Code §§ 19.2-305 or 19.2-305.1, may provide in the order for interest on the amount so ordered from the date of the loss or damage at the rate specified in Va. Code § 6.1-330.54.

If interest is specified, but no date is given, interest will be figured from the date of sentencing.

Internet Crimes against Children Fee

Fee charged on every felony and misdemeanor conviction. Monies in the fund are disbursed to designated entities to support the investigation and prosecution of Internet crimes against children.

Revenue Code	Amount Assessed	Reference(s)
001	$15 on each felony and misdemeanor conviction.	§ 17.1-275.12

When/How Collected

Taxed against and collected from defendant upon conviction. It is charged in addition to the appropriate fixed fees.

Interpreter Fee

Fee charged by an interpreter for appearance on behalf of a non-English speaking or deaf/mute defendant, victim and/or witness.

Revenue Code	Amount Assessed	Reference(s)
13O (113)*		§ 8.01-384.1; 19.2-164, 19-1-64.1; Chart of Allowances
*Interpreter fees are not assessed as costs against the defendant; however, the court may assess as part of the costs if the defendant fails to appear for trial and is convicted of a failure to appear, if the interpreter appeared in the case but no other case on the date the defendant is convicted.		

When/How Collected
The fees for interpreters for the deaf are set by the Virginia Department for the Deaf and Hard of Hearing. The interpreter for the deaf presents a certificate for the clerk to sign, verifying the interpreter's appearance in court. The interpreter then submits the signed certificate to the Virginia Department for the Deaf and Hard of Hearing for payment. (The circuit court should not bill the Office of the Executive Secretary for fees associated with interpreters for the deaf.)

The court shall fix the compensation of qualified interpreters, appointed by the court in civil and criminal cases for non-English speaking parties or witnesses, in accordance with guidelines set by the Judicial Council. To receive reimbursement, the interpreter submits a DC-40, List of Allowances to the clerk. The clerk then submits the DC-40 to the Office of the Executive Secretary for further processing. The interpreter is subsequently reimbursed by the Commonwealth (State Treasurer).

Investigator Fee

Fee assessed when an investigator is requested by a court appointed attorney or Public Defender and approved by the court.

Revenue Code	Amount Assessed	Reference(s)
13L (113)	Varies	§ 19.2-332

When/How Collected
Taxed against and collected from defendant upon conviction. It is charged in addition to the appropriate fixed fees.

Jail Admission Fee

This add-on fee is assessed as part of costs in felony, misdemeanor, and traffic cases where a defendant is admitted to a county, city, or regional jail following conviction. After collection by the clerk, the fee is paid to the local treasurer and shall be used by the local sheriff's office and regional jails to defray the costs of processing arrested persons into local or regional jails. The imposition of such assessment must be by ordinance of the local governing body. Each court should obtain a copy of the ordinance before the fee is assessed.

Revenue Code	Amount Assessed	Reference(s)
234	An amount as determined by each local governing body but not in excess of $25 on any individual.	§§ 15.2-1613.1; § 17.1-275.5(12); Local Ordinance(s)

Revenue Code	Amount Assessed	Reference(s)
	This fee applies to situations where the defendant is sentenced to local confinement or admittance to jail while awaiting transfer to the Department of Corrections. The fee does not apply to persons who are remanded to custody for the sole purpose of finger printing and/or DNA sampling. The fee applies to felony, misdemeanor, and traffic cases and should be assessed ONE time per sentencing event rather than on each case or count tried on a particular day.	

When/How Collected
Taxed against and collected from defendant upon conviction

When this fee has been charged by a District Court and the case is appealed, it may not be charged again by the Circuit Court. If the Circuit Court convicts the defendant on the appeal but imposes no jail time, the fee should not be assessed against the defendant at all.

Special Note: For localities who adopt this fee, it is not included in any fixed fee and must be added on.

Jury Costs

Costs of petit jurors summoned and present for a jury trial.

Revenue Code	Amount Assessed	Reference(s)
181 210 (city/county) 261, 266, 271, 276, 281, 286, 291 (town)	$50 per diem per juror summoned and present, plus reasonable (determined by judge) per diem for board and lodging, if applicable.	§§ 17.1-275.5(7), §§ 17.1-618 through 622; 19.2-336 (when not assessed); Attorney General Opinion to Foreman, dated 5/27/82 (1981- 82, pg. 100) Attorney General Opinion to Mitchell, dated 7/16/79 (1979, pg. 120) Attorney General Opinion to King, dated 11/9/78 (1978-79, pg. 63) Attorney General Opinion to Prievr, dated 1/10/55 (1954-55, pg. 70) Attorney General Opinion to Huffman, dated 10/13/53 (1953-54, pg. 41) Chart of Allowances

When/How Collected
Taxed against and collected from defendant upon conviction unless, at least 10 days prior to trial, the defendant waives jury trial (even if the Commonwealth or trial court refuses to waive). In cases of mistrial, hung jury or continuance, jury costs are assessed only when the trial is finally held and a conviction is returned. The costs of juries for both trials are to be assessed if the defendant is convicted at the second (or subsequent) trial. If a second jury is impaneled pursuant to Va. Code § 19.2-295.1, the costs of both juries are to be assessed.

Note: If defendant waives jury but Commonwealth does not, jury costs are not taxed against the defendant.

When a jury trial is held for violation of a state offense, the clerk submits a DC-43, List of Allowances and, if necessary, a DC-43C, Juror Continuation Sheet for Jurors to the local treasurer. The treasurer provides a check to each juror and submits the List of Allowances with check numbers included to the Office of Executive Secretary for further processing. The locality is subsequently reimbursed by the Commonwealth (State Treasurer). When the defendant remits payment for these costs, the clerk receipts the payment under revenue code 181.

When a jury trial is held for violation of a local offense, the clerk prepares a statement of expenses for each juror and submits same to the locality. The locality, in turn, reimburses the jurors. When the defendant remits payment for these costs, the clerk receipts the payment under revenue code 210. NOTE: Local jury costs are not to be billed to the Office of the Executive Secretary

Fees and Costs (L-Z)

Legal Aid Services Fund

A notary public who violates Va. Code § 47.1-15.1 is subject to a civil penalty to be paid into the Legal Aid Services Fund.

Revenue Code	Amount Assessed	Reference(s)
123	Not to exceed $500 for 1st violation Not to exceed $1,000 for 2nd or subsequent violation	§ 47.1-15.1

When/How Collected
A civil action is brought by the Attorney General in the name of the Commonwealth and may be first in the district court and appealed to circuit court. Civil in nature, handled in

criminal division in circuit. No costs are assessed in district court; however, circuit court costs do apply.

Liquidated Damages/Overweight Violations

Money assessed when a vehicle (truck) is found to exceed statutory weight limits. If the case is received via a local criminal/traffic summons or warrant the case should be handled in circuit court as an appealed traffic infraction.

Revenue Code	Amount Assessed	Reference(s)
232 (local)	Liquidated damage amounts are set by statute and ordered by the judge*	§ 46.2-1131, 46.2-1133, 46.2-1134, 46.2-1135, 46.2-1138.1
* The following fees/costs may be collected in conjunction with a liquidated damages case:		
110 or 201	Fine, if applicable	
112	District court fee	
13R (113)	Weighing costs, if applicable	
125	$2 Weighing Fee	
305	Circuit court clerk's fee (if ordered by Court)	

When/How Collected

Note: Most overweight violations are state versus local violations and are handled as civil administrative matters by the Department of Motor Vehicles. An appeal from the DMV action is handled by the general district court as a civil suit that may be appealed to the circuit court. The circuit court does not collect this civil judgment since the defendant pays such monies to DMV.

If the case comes to the circuit court as a local traffic infraction appeal, the liquidated damages ordered to be paid are collected by the clerk, receipted under revenue Code 232 and transmitted to the locality at month's end.

Medical Costs for Gathering Evidence

Court ordered costs of medical examination of victim to obtain physical evidence where the victim has been sexually abused or assaulted.

Revenue Code	Amount Assessed	Reference(s)
13P (113)	Varies – the Commonwealth Attorney submits invoice with appropriate supporting documentation to the Supreme Court of Virginia for payment.	§ 17.1-275.5(15); 19.2-165.1, 19.2-336; Chart of Allowances

When/How Collected
Costs taxed against the defendant by request of Commonwealth's attorney. By statute, the Commonwealth's attorney must provide arrangements for this service. Commonwealth's attorney requests reimbursement from the Commonwealth for payment. To assess against the defendant, the court must receive a request to add to the defendant's court costs from the Commonwealth's attorney.

Methamphetamine Site Cleanup

Costs associated with the cleanup of a methamphetamine site can be assessed against the defendant, when the defendant is the property owner. The Court will assess either the estimated or actual expense or $10,000 if expenses cannot be determined. (If innocent property owner or locality/law enforcement agency is awarded the expense, it is considered restitution.)

Revenue Code	Amount Assessed	Reference(s)
151	Court will award estimated/actual expense, or $10,00 if it cannot determine expenses	§18.2-248

When/How Collected
Fee assessed as directed by the Court, upon conviction.

Out-Of-State Prisoner Costs (Agreement on Detainers)

Costs (expenses) associated with transporting an out-of-state prisoner to Virginia for trial or to serve as a witness

Not applicable. §§ 53.1-209, 53.1-210; Chart of Allowances.

When/How Collected
These costs are not taxed against the defendant but are submitted to the circuit court clerk by the transporting agency (e.g., local sheriff) or Commonwealth's attorney, along with receipts for expenses and Form VI - Evidence of Agent's Authority to Act for Receiving State. The transporting agency then prepares and submits a DC-40, List of Allowances with the receipts and Form VI to the court that would then submit to the Office of the Executive Secretary for processing. The transporting agency is subsequently reimbursed by the Commonwealth (State Treasurer).

Pen Register, Wire Trap or Tracing Device Costs

Costs associated with court-ordered installation and use of electronic or wire communication devices/services (e.g., phone tap) during the investigation of criminal

activity.

Not applicable. Amount Varies, no clerk fee applies. §§ 19.2-68, 19.2-70.1, 19.2-70.2(G); Chart of Allowances.

When/How Collected
These costs are not taxed against the defendant/suspect if subsequently convicted.

The service provider, to receive reimbursement for expenses, must submit a bill to the court. The clerk then prepares a DC-40, List of Allowances and submits this, along with the bill, to the Office of the Executive Secretary for further processing. The service provider is subsequently reimbursed by the Commonwealth (State Treasurer).

Psychiatric Evaluation Costs

Costs of psychiatric evaluation of defendant in the following circumstances:

- to determine competency to stand trial
- to determine mental status at the time of the offense
- to determine mental status at the time of the offense and competency to stand trial
- for presentence evaluation
- to determine sexual abnormality prior to sentencing
- for court appearance of examiner/expert witness(es), plus expenses
- for hearing on release from incarceration when defendant is acquitted due to insanity

Revenue Code	Amount Assessed	Reference(s)
13A	See Chart of Allowances	§§ 17.1-275.5(4); 19.2-167 through 19.2-176; 19.2-300, 19.2-301, https://law.lis.virginia.gov/vacode/19.2-33219.2-335, 19.2-336; Chart of Allowances

When/How Collected
The costs are taxed against the defendant upon conviction. The examining physician/facility, in order to receive reimbursement, must submit to the clerk a DC-40, List of Allowances identifying the type of services rendered. The clerk then submits the DC-40 to the Office of the Executive Secretary for further processing. The examining

physician/facility is subsequently reimbursed by the Commonwealth (State Treasurer). When the defendant subsequently remits payment for these costs, the payment is receipted under revenue code 13A.

Public Defender Costs

Costs of legal services provided a defendant by the local public defender's office.
NOTE: Public Defenders are salaried Commonwealth employees.

Revenue Code	Amount Assessed	Reference(s)
120 (State) 217 or 261 (Local)	See Court Appointed Counsel Guidelines & Procedures Manual	§§ 17.1-275(A)(11), 17.1-275.5(1); Court Appointed Counsel Guidelines & Procedures Manual

When/How Collected

These costs are taxed against and collected from the defendant upon conviction. The public defender, while salaried by the Virginia Indigent Defense Commission, should submit a DC-52, Public Defender Timesheet that would be retained in the file as record of costs to be assessed and paid by the defendant upon conviction.

Note: Public Defender costs are not submitted to the Office of the Executive Secretary for reimbursement. The clerk should follow one of the following set of procedures:

If the offense was a local violation, the clerk bills the locality for the public defender costs. The locality then remits payment to the court. The clerk, in turn, receipts the locality's payment under revenue code 120 and transmits same to the State Treasurer. When the defendant subsequently makes payment on these costs, the clerk receipts the payment under revenue code 217 and transmits the money to the locality at month's end.

If the offense is a state violation, any payments from the defendant would be receipted under revenue code 120 and transmitted to the State Treasurer.

Restitution

Money ordered by the court to be paid by the defendant to reimburse the victim for loss caused by the defendant, victim or estate. The Court may order the payment of interest payable at the judgment rate of interest starting from the date of the loss or sentencing.

Notwithstanding any other provision of law, any person who, on or after July 1, 1995, commits, and is convicted of, a crime in violation of any provision in Title 18.2 shall make at least partial restitution for any property damage or loss caused by the crime or for any

medical expenses or expenses directly related to funeral or burial incurred by the victim or their estate as a result of the crime, may be compelled to perform community services and, if the court so orders, shall submit a plan for doing that which appears to be feasible to the court under the circumstances. Va. Code § 19.2-305.1.

Revenue Code	Amount Assessed	Reference(s)
520 (Restitution)	Determined by judge	§§ 8.01-427; 19.2-305.1, 19.2-305.2
NOTE: Interest will not accrue unless specified in the Court's order.		

When/How Collected
Taxed against defendant upon conviction. If restitution is ordered to be paid by the defendant to the victim of a crime and that victim can no longer be located or identified, the clerk shall deposit any such restitution collected to the Criminal Injury Compensation Fund for the benefit of the victim.

Note: As of July 1, 2021, if the victim requests, in writing, to have restitution docketed in their name, restitution is not assessed against the defendant in addition to fines/costs but is only docketed as a judgment.

Sentencing (Supervision) Fee

Fee for payment towards the cost of defendant's confinement, supervision or participation in a home/electronic incarceration program as a condition of their sentence.

Revenue Code	Amount Assessed	Reference(s)
13N (113)	Included in the Circuit court fixed fees. Also included in District court fixed fees. Fee would therefore be collected in both courts as part of their fixed fees	§ 53.1-150; 17.1-275.1, 17.1-275.2, 17.1-275.7, 17.1-275.8

When/How Collected
Fee paid to the sentencing court. The fee should be charged at the time of sentencing for persons convicted and is included in the fixed fees.

Suppression Costs

Costs assessed in a civil proceeding to cover the expense of fire suppression. *See* Schedule in Civil Manual.

Transcript/Brief Fees

The fee paid for an official copy of the record of proceedings in a trial or hearing, or a brief. Word-for-word typing of everything that was said "on the record" during the trial. The stenographer (court reporter) types this transcription which is paid for by the parties requesting it.

Revenue Code	Amount Assessed	Reference(s)
13J	Varies	§ 17.1-275.5(A)(2) Rule 5A:30

When/How Collected
Added as costs if transcripts requested and prepared, or a brief is prepared.

Note: As of January 1, 2022, the costs for the preparation of the transcript of the evidence for an appeal, whether the appeal is noted prior to or upon entry of final judgment, shall be paid by the Commonwealth out of the appropriation for criminal charges and shall not be assessed against the defendant. Va. Code §§ 19.2-165, 17.1-408.

Toll Roads Penalties – Failure to Pay Toll/HOT Lane Violations

Provides a civil penalty for a violation of Va. Code §§ 46.2-819.1 and 46.2-819.3 when vehicle is found to have used a toll facility without payment of the required toll.

Revenue Code	Amount Assessed	Reference(s)
	In addition to the unpaid toll, all accrued administrative fees, and applicable court costs in each case, a civil penalty may be assessed.	§§ 46.2-819.1, 46.2-819.3
161	For VDOT cases charged under §46.2-819.1	
194	For VDOT cases charged under §46.2-819.3	
422	Non-VDOT cases Private toll road facility (court assigns account code number for each separate private facility)	

When/How Collected
Penalty is added to court costs upon order of the court.

Transportation Trust Fund

Provides a civil penalty for a violation of Va. Code § 46.2-341.20:5 when a person driving a commercial motor vehicle is found guilty of driving while texting or using a handheld mobile telephone. In addition, Va. Code § 46.2-341.20:6 provides a civil penalty against a motor carrier allowing or requiring its drivers to use a handheld mobile telephone or to text while driving a commercial motor vehicle.

Revenue Code	Amount Assessed	Reference(s)
164	Civil penalty not to exceed $2,750 against the driver. Civil penalty not to exceed $11,000 against the motor carrier	§ 46.2-341.20:5§ 46.2-341.20:6

When/How Collected
Penalty is added to court costs upon order of the court.

Trauma Center Fund

Fees paid into the Trauma Center Fund are for the purpose of defraying the costs of providing emergency medical care to victims of automobile accidents attributable to alcohol or drug use.

Revenue Code	Amount Assessed	Reference(s)
192	$50	§ 18.2-270.01 (A)

When/How Collected
By court order upon conviction of violations of certain alcohol related offenses: (Va. Code §§ 18.2-36.1; 18.2-51.4; 18.2-266; 18.2-266.1; 46.2-341.24), who has been previously convicted within ten years of the date of the current offense.

Virginia Crime Victim Witness Fund (CVWF)

Fee assessed upon conviction of a felony, misdemeanor or traffic infraction case. Such monies are subsequently deposited in a special fund to support victim witness services programs prescribed under Va. Code § 19.2-11.1.

Revenue Code	Amount Assessed	Reference(s)
140	Included in the Circuit court fixed fees. Also included in District court fixed fees. Fee would therefore be collected in	§ 16.1-69.48:1; 19.2-11.1, 19.2-11.3, 17.1-275.1, 17.1-275.2, 17.1-275.3,

	both courts as part of their fixed fees.	17.1-275.4, 17.1-275.7, 17.1-275.8

When/How Collected
Fee paid to sentencing court. Charged as part of the fixed fees.

Virginia Sexual and Domestic Violence Victim Fund (VSDVVF)

A penalty assessed upon conviction of certain offenses involving sexual assault, sexual abuse, child exploitation, human trafficking, prostitution-related activities, and other crimes involving sexual or domestic violence against adults or children.

The fee is assessed to credit the Virginia Sexual and Domestic Violence Victim Fund. This fee is designated for funding support services for eligible victims. All fees collected pursuant to this section shall be deposited into the Virginia Sexual and Domestic Violence Victim Fund to be used in accordance with Va. Code § 9.1-116.1.

Revenue Code	Amount Assessed	Reference(s)
198	$500	§ 9.1-116.1 § 17.1-275.15

When/How Collected
Assessed upon each conviction of §§ 18.2-47, 18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-346.01, 18.2-346.01, 18.2-347, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-356.1, 18.2-357, 18.2-357.1, 18.2-366, 18.2-370, 18.2-370.1, 18.2-370.2, 18.2-370.3, 18.2-370.4, 18.2-370.5, 18.2-370.6, 18.2-374.1, 18.2-374.1:1, and 18.2-374.3 as court costs.

Virginia Stormwater Management Fund

Penalty assessed upon conviction of a violation of the Nutrient Trading Act. Such penalty is paid into the state treasury and deposited into the Virginia Stormwater Management Fund.

Revenue Code	Amount Assessed	Reference(s)
163	Up to $10,000 as directed by the Court.	§ 10.1-603.15:4

When/How Collected
Penalty assessed upon conviction and paid to sentencing court.

Weighing Costs

Costs and fees assessed to recover monies expended for towing and/or reloading a vehicle detained for weighing.

Revenue Code	Amount Assessed	Reference(s)
13R (113)	Expenses incurred	§ 46.2-1137

See also "Liquidated Damages" and "Weighing Costs"

When/How Collected
These costs are assessed in district court. If the case is appealed and the defendant is convicted in circuit court, the circuit court clerk taxes the costs against the defendant and remits any costs paid by the defendant to the Commonwealth.

Weighing Fee

Fee assessed when the driver of an overloaded vehicle is convicted, forfeits bail or purchases an increased license as a result of the vehicle being weighed. The fee is collected from the owner or operator of the vehicle.

Revenue Code	Amount Assessed	Reference(s)
125	$2	§ 46.2-1137

See also "Liquidated Damages" and "Weighing Costs"

When/How Collected
The fee is assessed in district court. If the case is appealed and the defendant is convicted in the circuit court, the circuit court clerk taxes the fee against the defendant and remits the fee paid by the defendant to the Commonwealth.

Witness Fees

Fees and/or expenses paid to certain witnesses summoned by the Commonwealth or locality to appear in a criminal proceeding.

Revenue Code	Amount Assessed	Reference(s)
13L (113) (Common wealth)	Included in the Circuit court fixed fees.	§§ 2.2-2823, 2.2-2825, 53.1-209, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-611 through 17.1-623,

		19.2-168, 19.2-175, 19.2-278, 19.2-329 through 19.2-335; Chart of Allowances

When/How Collected
Included in the fixed fees.

In order for witnesses in a case to be reimbursed, follow the procedures listed below:

For witnesses summoned on behalf of the Commonwealth, the clerk prepares a DC-40, List of Allowances (or DC-42, depending on the type of witness; i.e., expert, out-of-state, etc. and the Code section under which payment is being requested.) For witnesses falling under § 17.1-611, the clerk forwards the List of Allowances, along with receipts for expenses, to the local treasurer who remits payment to the witnesses. The local treasurer then submits the List of Allowances and receipts to the Office of the Executive Secretary for further processing. The locality is subsequently reimbursed by the Commonwealth (State Treasurer). For all other Commonwealth witnesses, the clerk prepares and forwards the DC-40, List of Allowances and any receipts directly to the Office of the Executive Secretary. Such witnesses are then paid by the Commonwealth.

Note: Refer to Va. Code § 17.1-617 for details on the maximum number of witnesses that will be paid out of the state treasury for criminal cases.

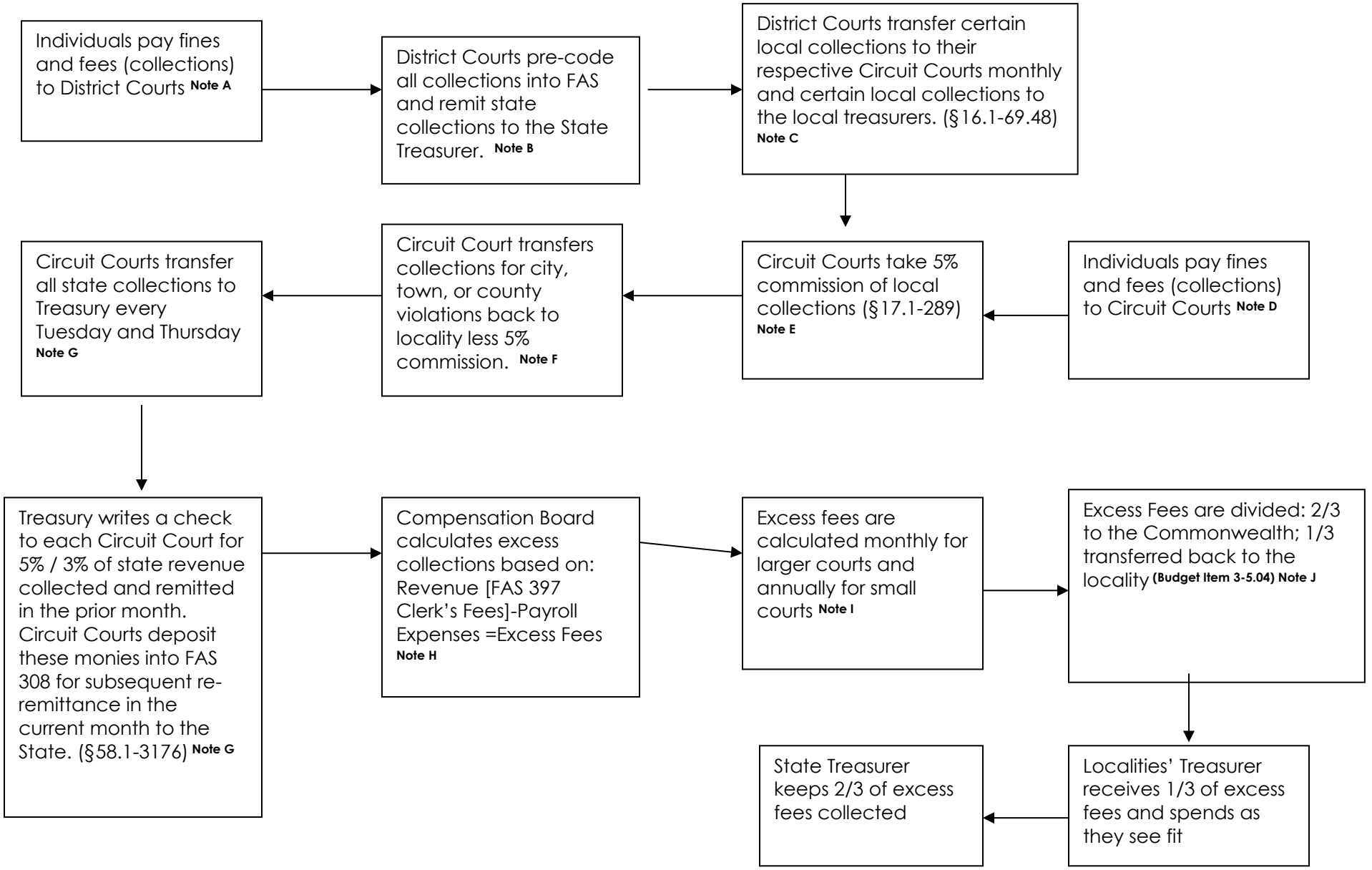
For witnesses summoned on behalf of the locality, the clerk prepares a statement/bill of expenses and, with receipts attached, forwards same to the locality. The locality then provides direct payment to the witnesses.

Note: Local witness fees are not billed to the Office of the Executive Secretary.

Appendix C - Fee Schedule

https://www.vacourts.gov/courts/circuit/resources/manuals/appendixc.pdf

Flow of Funds - Commonwealth Court System



Note A There are currently a total of 85 General District Courts, 84 Juvenile and Domestic Relations (JDR) District Courts, and 40 combined General District and JDR Courts in the Commonwealth. Total number of courts at this level is 209.

Note B Districts remit state collections directly to the State Treasurer. Based on the Cardinal Accounts Receivable data, the GDC remitted $56,521,127, JDR remitted $2,332,574 and the Combined Courts remitted $8,179,094 in FY2026.

Note C District Courts deposit all money collected into a non-interest-bearing checking account. District Courts should deposit certain local funds into their respective Circuit Courts and the remaining local funds to the local treasurer.

Note D There are currently a total of 120 Circuit Courts in the Commonwealth.

Note E Each Circuit court collects a 5% commission on local collections received by the clerk. The clerk deducts the commission before the collections are paid into the county, town, or city Treasury.

Note F The Treasury of the county, town, or city receives 95% of collections received by the Circuit Court and District Courts for all fines and penalties paid for local ordinances and/or laws broken in that jurisdiction.

Note G Every Tuesday and Thursday, each Circuit Court makes a deposit to the Dept of Treasury for all state funds collected.

Note H Unlike local collections, where the clerk deducts the commission before remitting the funds to the local Treasurer, The Dept of Treasury transfers back 5% / 3% of state funds to the Circuit Court [FAS 308] that originally sent the funds to Treasury as a part of Total Clerk's Fees [FAS 397].

Note I If revenue [FAS 397 Clerk's Fees] minus Payroll expenses are negative, the Circuit Court is in deficiency and neither Commonwealth nor the locality receives any return of excess fees. (This calculation does not impact Technology Trust Fund money.)

Note J Funds identified as "excess fees" by the Compensation Board are divided by returning 1/3 of the excess fees to the locality in which the funds were collected, and the remaining 2/3 of the excess fees remain in the State Treasury.

Exceptions to this model: Newport News, City of Richmond, City of Roanoke [per Code and / or city Charter]

FC_499_Assessed_paid_2013_2024	Fines/Costs Assessed	Fines/ Costs Amount Paid in same year Assessed	Total Fines/Costs Paid	Total Fines/Costs Not Paid in same year assessed		CR Calculation - % Collected in Same Year	CR Calculation - Total % Collected
Circuit Fiscal 2013	80,302,756.01	14,496,218.25	35,939,350.33	65,806,537.76		18%	45%
General District 2013	311,998,872.30	237,975,834.83	264,407,176.26	74,023,037.47		76%	85%
JDR 2013	10,035,774.95	4,587,279.51	6,350,465.56	5,448,495.44		46%	63%
Total Fiscal 2013	402,337,403.26	257,059,332.59	306,696,992.15	145,278,070.67		64%	76%
Circuit Fiscal 2014	78,680,763.00	10,675,074.33	36,122,542.94	68,005,688.67		14%	46%
General District 2014	309,314,827.63	237,075,141.26	274,324,964.03	72,239,686.37		77%	89%
JDR 2014	9,496,384.70	4,202,782.23	6,344,109.44	5,293,602.47		44%	67%
Total Fiscal 2014	397,491,975.33	251,952,997.82	316,791,616.41	145,538,977.51		63%	80%
Circuit Fiscal 2015	79,368,011.06	10,355,540.41	37,892,441.62	69,012,470.65		13%	48%
General District 2015	305,590,309.65	231,796,446.74	272,756,527.17	73,793,862.91		76%	89%
JDR 2015	19,561,139.41	4,202,675.96	6,436,895.35	15,358,463.45		21%	33%
Total Fiscal 2015	404,519,460.12	246,354,663.11	317,085,864.14	158,164,797.01		61%	78%
Circuit Fiscal 2016	78,346,139.24	11,740,619.24	32,475,569.04	66,605,520.00		15%	41%
General District 2016	285,498,086.05	209,640,766.85	254,990,760.41	75,857,319.20		73%	89%
JDR 2016	9,375,142.40	3,985,663.01	6,431,976.54	5,389,479.39		43%	69%
Total Fiscal 2016	373,219,367.69	225,367,049.10	293,898,305.99	147,852,318.59		60%	79%
Circuit Fiscal 2017	87,894,498.47	16,095,055.12	36,362,934.90	71,799,443.35		18%	41%
General District 2017	281,597,658.94	203,713,999.47	249,407,375.11	77,883,659.47		72%	89%
JDR 2017	8,897,886.96	3,823,000.11	6,256,314.31	5,074,886.85		43%	70%
Total Fiscal 2017	378,390,044.37	223,632,054.70	292,026,624.32	154,757,989.67		59%	77%
Circuit Fiscal 2018	88,731,516.45	17,053,291.49	36,103,660.93	71,678,224.96		19%	41%
General District 2018	282,165,686.38	202,031,371.01	247,395,946.64	80,134,315.37		72%	88%
JDR 2018	8,795,077.74	3,556,461.78	6,017,649.06	5,238,615.96		40%	68%
Total Fiscal 2018	379,692,280.57	222,641,124.28	289,517,256.63	157,051,156.29		59%	76%
Circuit Fiscal 2019	112,602,954.21	47,019,303.13	58,349,632.23	65,583,651.08		42%	52%
General District 2019	277,250,381.83	198,295,240.09	213,908,669.61	78,955,141.74		72%	77%

FC_499_Assessed_paid_2013_2024	Fines/Costs Assessed	Fines/ Costs Amount Paid in same year Assessed	Total Fines/Costs Paid	Total Fines/Costs Not Paid in same year assessed		CR Calculation - % Collected in Same Year	CR Calculation - Total % Collected
JDR 2019	8,981,165.65	3,504,691.56	5,892,613.43	5,476,474.09		39%	66%
Total Fiscal 2019	398,834,501.69	248,819,234.78	208,016,056.18	150,015,266.91		62%	52%
Circuit Fiscal 2020	100,534,124.57	45,930,439.58	56,022,130.59	54,603,684.99		46%	56%
General District 2020	216,436,392.88	149,649,021.81	177,094,179.30	66,787,371.07		69%	82%
JDR 2020	7,797,040.20	2,740,430.16	4,623,427.39	5,056,610.04		35%	59%
Total Fiscal 2020	324,767,557.65	198,319,891.55	172,470,751.91	126,447,666.10		61%	53%
Circuit Fiscal 2021	103,162,082.29	57,798,588.30	67,436,090.61	45,363,493.99		56%	65%
General District 2021	205,382,348.12	131,972,170.44	153,283,711.59	73,410,177.68		64%	75%
JDR 2021	8,974,214.09	2,757,071.50	4,555,443.96	6,217,142.59		31%	51%
Total Fiscal 2021	317,518,644.50	192,527,830.24	225,275,246.16	124,990,814.26		61%	71%
Circuit Fiscal 2022	100,877,515.72	49,623,735.53	59,665,106.45	51,253,780.19		49%	59%
General District 2022	200,137,894.37	127,601,067.51	148,564,943.87	72,536,826.86		64%	74%
JDR 2022	7,767,067.78	2,684,032.25	4,506,398.76	5,083,035.53		35%	58%
Total Fiscal 2022	308,782,477.87	179,908,835.29	212,736,449.08	128,873,642.58		58%	69%
Circuit Fiscal 2023	125,750,258.88	69,416,166.56	88,858,287.50	56,334,092.32		55%	71%
General District 2023	212,469,249.64	138,465,962.88	163,873,261.79	74,003,286.76		65%	77%
JDR 2023	8,073,491.94	2,848,058.80	4,757,954.72	5,225,433.14		35%	59%
Total Fiscal 2023	346,293,000.46	210,730,188.24	257,489,504.01	135,562,812.22		61%	74%
Circuit Fiscal 2024	128,358,949.77	71,446,401.52	90,441,377.23	56,912,548.25		56%	70%
General District 2024	229,623,360.52	151,075,340.60	178,285,871.42	78,548,019.92		66%	78%
JDR 2024	8,090,351.58	2,952,753.53	5,123,047.09	5,137,598.05		36%	63%
Total Fiscal 2024	366,072,661.87	225,474,495.65	273,850,295.74	140,598,166.22		62%	75%
					TOTAL		
					5-Year Average	60%	68%
					10-Year Average	60%	70%

FC_499_Assessed_paid _2013_2024	Fines/Costs Assessed	Fines/ Costs Amount Paid in same year Assessed	Total Fines/Costs Paid	Total Fines/Costs Not Paid in same year assessed		CR Calculation - % Collected in Same Year	CR Calculation - Total % Collected
					CIRCUIT		
					5-Year Average	52%	64%
					10-Year Average	37%	54%
					GENERAL DISTRICT		
					5-Year Average	66%	77%
					10-Year Average	69%	82%
					JDR		
					5-Year Average	34%	58%
					10-Year Average	36%	60%