

22102114D

HOUSE BILL NO. 375

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact §§ 19.2-340 and 19.2-341 of the Code of Virginia, relating to fines and costs; period of limitations on collection.

Patron—Williams Graves

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:**1. That §§ 19.2-340 and 19.2-341 of the Code of Virginia are amended and reenacted as follows:****§ 19.2-340. Fines; how recovered; in what name.**

A. When any statute or ordinance prescribes a fine, unless it is otherwise expressly provided or would be inconsistent with the manifest intention of the General Assembly, it shall be paid to the Commonwealth if prescribed by a statute and recoverable by presentment, indictment, information, or warrant and paid to the locality if prescribed by an ordinance and recoverable by warrant. Whenever any warrant or summons is issued pursuant to § 19.2-72 or 19.2-74 for an offense in violation of any county, city, or town ordinance that is similar to any provision of this Code, and such warrant or summons references the offense using both the citation corresponding to the county, city, or town ordinance and the specific provision of this Code, any fine prescribed by the county, city, or town ordinance shall be paid to the locality. Fines imposed and costs taxed in a criminal or traffic prosecution, including a prosecution for a violation of an ordinance adopted pursuant to § 46.2-1220, for committing an offense shall constitute a judgment and, if not paid at the time they are imposed, execution may issue thereon in the same manner as upon any other monetary judgment, subject to the period of limitations provided by § 19.2-341.

B. *Notwithstanding any other provision of law, upon the expiration of the period of limitations provided by § 19.2-341, the fines imposed and costs taxed are extinguished and there shall be no right to collect the debt, including pursuant to the provisions of § 19.2-349.*

C. *The period of limitations provided by § 19.2-341 shall apply regardless of the method of collection applicable pursuant to § 19.2-349 and shall not be extended or revived on account of a partial payment, a written or verbal affirmation of fines or costs, or a change in collection methods. Upon expiration of the period of limitations, it shall not be revived or restarted by any means.*

§ 19.2-341. Penalties other than fines; how recovered; in what name; limitation of actions.

A. When any statute or ordinance prescribes a monetary penalty other than a fine, unless it is otherwise expressly provided or would be inconsistent with the manifest intention of the General Assembly, it shall be paid to the Commonwealth if prescribed by a statute and paid to the locality if prescribed by an ordinance and recoverable by warrant, presentment, indictment, or information. Penalties imposed and costs taxed in any such proceeding shall constitute a judgment and, if not paid at the time they are imposed, execution may issue thereon in the same manner as upon any other monetary judgment. No such proceeding of any nature, however, shall be brought or had for the recovery of such a penalty or costs due the Commonwealth or any political subdivision thereof, unless within ~~60~~ *three* years from the date of the ~~offense or delinquency judgment~~ giving rise to imposition of such penalty if imposed by a circuit court or within 30 years if imposed by a general district court.

B. *Notwithstanding any other provision of law, upon the expiration of the period of limitations provided by subsection A, the penalties imposed and costs taxed are extinguished and there shall be no right to collect the debt, including pursuant to the provisions of § 19.2-349.*

C. *The period of limitations provided in subsection A shall apply regardless of the method of collection applicable pursuant to § 19.2-349 and shall not be extended or revived on account of a partial payment, a written or verbal affirmation of any monetary penalties or costs, or a change in collection method. Upon expiration of the period of limitations, it shall not be revived or restarted by any means.*

INTRODUCED

HB375