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HOUSE BILL NO. 620

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact § 19.2-353.5 of the Code of Virginia, relating to interest on fines and costs in criminal cases and traffic infractions.

Patron—Hudson

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-353.5 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-353.5. Interest on fines and costs.**

A. For purposes of this section, "incarcerated" or "incarceration" means confinement in a local or regional correctional facility, juvenile correctional facility, state correctional facility, residential detention center, or facility operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.).

B. ~~No~~ *On or after July 1, 2022, no* interest shall accrue on any fine or costs imposed in a criminal case or in a case involving a traffic infraction (i) for a period of 180 days following the date of the final judgment imposing such fine or costs; (ii) during any period the defendant is incarcerated; and (iii) for a period of 180 days following the date of the defendant's release from incarceration if the sentence includes an active term of incarceration.

C. A person who owes fines and costs on which interest has accrued during a period of incarceration may move any court in which he owes fines and costs to waive the interest that accrued on such fines and costs during such period of incarceration. Upon certification of the period of incarceration by the superintendent, warden, or other official in charge of a correctional facility on a form developed by the Office of the Executive Secretary of the Supreme Court, such interest shall be waived.

D. In no event shall interest accrue during any period in which a fine, costs, or both a fine and costs are being paid in deferred or installment payments pursuant to an order of the court. Whenever interest on any unpaid fine or costs accrues, it shall accrue at the judgment rate of interest set forth in § 6.2-302.

B. Any fine or costs imposed in a criminal case or in a case involving a traffic infraction that have accrued any interest prior to July 1, 2022, shall cease to accrue interest on July 1, 2022, and any unpaid interest that has accrued on such fines and costs shall be automatically waived.

INTRODUCED

HB620