

Issue Analysis Form



Date: May 26, 2020
Ordinance Amending Fees
Assessed Against Convicted
Defendants in Criminal and
Traffic Cases

Item:

Lead Department(s): County Attorney

Contact Person(s): Dan Whitten

Description and Current Status

The 2020 Virginia General Assembly passed SB 149: Courthouse and courtroom security assessment. This bill increases the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court from \$10 to \$20 to fund courthouse and courtroom security.

A draft ordinance is attached for consideration; a motion approving authority to advertise the ordinance for a public hearing on June 9, 2020, is requested.

This Ordinance shall be effective July 1, 2020.

Sample Motion: I move that the Board approve advertisement of an Ordinance amending fees assessed against convicted defendant in criminal and traffic cases from \$10 to \$20 in accordance with Virginia Code Section 53.1-120.

Government Path

Does this require IDA action?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does this require BZA action?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does This require Planning Commission Action?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does this require Board of Supervisors action?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does this require a public hearing?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If so, before what date?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Fiscal Impact Statement

Board of Supervisors
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 26th day of May, 2020:

Present:

Vote:

Donald R. Hunter, Chairman
Alan R. Carmichael, Vice-Chairman
Floyd M. Brown, Jr.
Marlene J. Waymack
T. J. Webb

A-2

On motion of _____, seconded by _____, which carried unanimously, the following Resolution was adopted:

RESOLUTION; AUTHORITY TO ADVERTISE AN ORDINANCE TO AMEND "THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA," AS AMENDED, BY AMENDING AND RE-ENACTING SECTION 26.2 TO INCREASE THE FEE FROM \$10.00 to \$20.00 THAT WILL BE ASSESSED AGAINST CONVICTED DEFENDANTS IN ALL CRIMINAL AND TRAFFIC CASES IN COUNTY GENERAL DISTRICT AND CIRCUIT COURTS IN ACCORDANCE WITH VIRGINIA CODE SECTION 53.1-120

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 26th day of May, 2020, does hereby authorize the advertisement of a public hearing for an Ordinance to Amend "The Code of the County of Prince George, Virginia," as amended, by amending and re-enacting Section 26.2 to increase the fee from \$10.00 to \$20.00 that will be assessed against convicted defendants in all criminal and traffic cases in County General District and Circuit Courts in Accordance with Virginia Code Section 53.1-120.

A Copy Teste:

Percy C. Ashcraft
County Administrator

ORDINANCE TO AMEND "THE CODE OF THE COUNTY OF PRINCE GEORGE,
VIRGINIA", 2005, AS AMENDED, BY AMENDING AND RE-ENACTING § 26-2 TO
INCREASE THE FEE FROM \$10.00 TO \$20.00 THAT WILL BE ASSESSED AGAINST
CONVICTED DEFENDANTS IN ALL CRIMINAL AND TRAFFIC CASES IN COUNTY
GENERAL DISTRICT AND CIRCUIT COURTS IN ACCORDANCE
WITH VIRGINIA CODE § 53.1-120

BE IT ORDAINED by the Board of Supervisors of Prince George County:

(1) *That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by amending and re-enacting § 26-2, as follows:*

CHAPTER 74 TAXATION

ARTICLE I. IN GENERAL

Sec. 26-2. - Fees assessed against convicted defendants in criminal and traffic cases; collection by clerks; remittance to treasurer.

(a) There shall be assessed against convicted defendants in all criminal and traffic cases in the county general district and circuit courts a fee of **\$20.00** ~~\$10.00~~, which shall be added as costs, collected by the clerks of the respective courts, remitted to the county treasurer, and held by the treasurer subject to appropriation by the board of supervisors to the sheriff's office for the funding of courthouse security personnel, **and if requested by the sheriff, equipment and other personal property used in connection with courthouse security.** ~~The clerks of the respective courts shall commence collecting the fees prescribed in this subsection on July 1, 2002.~~ An attested copy of this subsection shall be sent to the clerk's office of the county general district court and the county circuit court by the clerk of the board of supervisors.

2) *That the Ordinance shall be effective on July 1, 2020.*