

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

IN RE: NOTICE OF DEFERRED PAYMENT PLAN GUIDELINES
AND PROCEDURES FOR COURT COSTS, FINES AND RESTITUTION

The following are the time-to-pay guidelines for payment of fine, costs, forfeitures, penalties and restitution in deferred installments, pursuant to Code of Virginia § 19.2-354.

Payments. When Required. Amount. All Defendants who are convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of a City or County will almost always be required to pay a fine, restitution, forfeiture or penalty to the Court. It is the responsibility of the Defendant to inquire into and make arrangement to pay these assessments. If the Defendant cannot make full payment of this assessment within 30 days of sentencing, the Court allows the Defendant to make payment in deferred payments or installments. Unless otherwise ordered by the Court, no installment payment is due at the time a deferred payment plan is granted the Defendant. *Unless otherwise ordered by the Court,* when a Deferred Payment Plan is granted, the Defendant shall make payments as follows:

<u>Amount of Total Fine and Costs</u>	<u>Time-to-Pay</u>
\$0 - \$1,000	\$50 per month until paid in full.
More than \$1,000	\$300 every six (6) months until paid in full.

Order of Payment Credits. Payments are credited first to unpaid Fines and Costs. If the defendant wants payments credited toward Restitution, permission must first be obtained from the Court.

Interest on Unpaid Balances. Per Code of Virginia § 19.2-353.5, no interest accrues 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. Interest will accrue if the Defendant does not make payment in accord with the Deferred Payment Plan. Interest cannot be stopped on Restitution, and will continue to accrue at the judgment rate of interest set forth in Virginia Code § 6.2-302 until paid in full.

Who authorizes the Deferred Payment Plan. The Clerk is authorized to set up the first Deferred Payment Plan. Second and subsequent plans must be approved by the Court. Defendants applying to the Court for a new Plan shall write a letter to

Honorable G. Carter Greer, Judge
Martinsville Circuit Court
Post Office Box 1206
Martinsville, VA 24114

requesting reinstatement on a Deferred Payment Plan. A request must include the defendant's current address and telephone number. The Clerk will notify the Defendant by telephone of the Court's decision.

Request for Extension of Time to Pay. All requests for additional time to pay must be approved by the Court.

Suspension of Driving Privileges. Reinstatement. Pursuant to Code of Virginia § 46.2-395, when any defendant fails to either make full payment at the time of conviction, or fails to make deferred or installment payment as ordered by the Court, the Court shall forthwith suspend the person's privilege to drive. Failure to make timely payment is electronically reported to the DMV, which immediately suspends the Defendant's driving privileges. *The*

*driver's license of the Defendant shall continue suspended until the fine, costs, forfeiture, restitution, or penalty has been paid in full. However, if the defendant, after having his license suspended, pays the reinstatement fee to the Department of Motor Vehicles **and** enters into an agreement under § 19.2-354 that is acceptable to the Court to make deferred payments or installment payments of unpaid fines, costs, forfeitures, restitution, or penalties as ordered by the court, the defendant's driver's license shall thereby be restored.*

Collection by the Department of Taxation. The Martinsville Commonwealth's Attorney has contracted with the Department of Taxation to undertake collection of unpaid fines, costs, forfeitures, penalties and restitution. Per Code of Virginia § 19.2-349, persons owing unsatisfied judgments or failing to comply with installment payment agreements under § 19.2-354 shall be subject to the delinquent tax collection provisions of Title 58.1. Defendants subject to collection by the Department of Taxation may apply to the Court in which fines, costs, etc. are owed for a new Deferred Payment Plan; if granted, further collection (not pending collection) by the Department will be suspended.

These Guidelines shall remain in effect until modified or amended by the Court.

July 1, 2015.

Ashby R. Pritchett, Clerk
Martinsville Circuit Court