

2018 Legislation Relevant to Virginia's District Courts

Driver's licenses

SB 181 Driver's license; suspension for nonpayment of fines or costs.

SUMMARY AS INTRODUCED: **Suspension of driver's license for nonpayment of fines or costs.** Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill provides that the Commissioner of the Department of Motor Vehicles shall return or reinstate any person's driver's license that was suspended solely for nonpayment of fines or costs.

HB 202 Court fines and costs; community service.

SUMMARY AS INTRODUCED: **Court fines and costs; community service.** Requires a court assessing fines and costs against a person for conviction of a crime to inform such person of the availability of earning credit toward discharge of the fine or costs through the performance of community service and provide such person with written notice of terms and conditions of the community service program.

HB 1153 Issuance of restricted commercial driver's licenses; non-driving offenses; penalties.

SUMMARY AS INTRODUCED: **Issuance of restricted commercial driver's licenses; non-driving offenses; penalties.** Authorizes a court that has issued an order authorizing a person subject to a suspension of his driving privileges for nonpayment of (i) child support, (ii) fees owed to local correctional facilities or jails, or (iii) court fines or costs to operate a motor vehicle for the purpose of travel during the hours of such person's employment to order that such person be issued a restricted commercial driver's license for the same purpose. The bill requires the Department of Motor Vehicles to issue a restricted license upon receipt of any such order. The provisions of the bill are contingent upon receipt by the Virginia Department of Transportation of written assurance from the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation that Virginia will not lose any federal funds as a result of its implementation.

Restitution

HB 484 Restitution; defendant on probation until all is paid in full.

SUMMARY AS INTRODUCED: **Restitution; probation.** Provides that for any offense that occurs on or after July 1, 2018, if restitution is ordered at the time of sentencing, the court shall place the defendant on an indefinite term of probation until all ordered restitution is paid in full. The bill requires that a probation agency ordered to monitor the restitution payments of a defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied restitution, if any, 30 days prior to the defendant's release from supervision. The bill also requires that a court schedule a hearing within 90 days of the date restitution was to be paid in full if any restitution remains unsatisfied and no probation agency was ordered to monitor the defendant's payments. The bill also establishes a mechanism for releasing a defendant from an indefinite term of probation even though all ordered restitution has not been paid in full.

Civil

HB 1435 Initiation of a civil action; duties of clerk of general district court.

SUMMARY AS INTRODUCED: **Initiation of a civil action; clerk of a general district court.** Requires a general district court clerk to file, process, and issue for service of process any pleading initiating a civil action in the general district court within 14 days of receipt of such pleading.

Pre-Trial

HB 997 Pretrial Services Act; repeal.

SUMMARY AS INTRODUCED: Pretrial Services Act; repeal. Repeals the Pretrial Services Act (§ 19.2-152.2 et seq.). The Act authorized the establishment of local pretrial services agencies that were intended to assist judicial officers in making bail determinations. The bill has a delayed effective date of July 1, 2019.

Court Costs

SB 827 Courthouse and courtroom security; assessment.

SUMMARY AS INTRODUCED: Courthouse and courtroom security; assessment. Increases from \$10 to \$20 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 to fund courthouse and courtroom security.

DNA

HB 294 DNA; sample taken upon conviction, fee.

SUMMARY AS INTRODUCED: DNA sample taken upon conviction; fee. Removes the limitation that the fee for withdrawing a sample of a person's blood, saliva, or tissue for DNA analysis upon conviction for a felony or certain misdemeanors be taxed only one time regardless of the number of samples taken.

JDR

HB 217 Electronic case papers; transmission between district and circuit courts.

SUMMARY AS INTRODUCED: Electronic case papers; transmission between district and circuit courts. Makes applicable to juvenile and domestic relations district courts current provisions related to electronic case papers and transmission of such papers between the general district courts and the circuit courts by relocating such provisions from a statute specifically addressing general district courts to a statute applicable to all district courts.

HB 1212 Pro se minors; signing of pleading, motion, or other paper by next friend.

SUMMARY AS INTRODUCED: Pro se minors; signing of pleading, motion, or other paper by next friend. Provides that a minor who is not represented by an attorney shall sign his pleading, motion, or other paper by his next friend. The bill further provides that either or both parents of such minor may sign on such minor's behalf as his next friend.

Public Defender

HB 1296 Establishment of statewide public defender system; appellate defender officer.

SUMMARY AS INTRODUCED: Establishment of statewide public defender system; appellate defender officer. Establishes a public defender office in each judicial circuit. Currently, public defender offices have been established in certain localities. The bill also establishes an appellate defender office to represent indigent persons in appeals of their convictions to the Court of Appeals of Virginia or Supreme Court of Virginia.