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**SENATE BILL NO. 633**

Offered January 10, 2024

Prefiled January 10, 2024

A *BILL to amend and reenact § 19.2-362 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-362.1, relating to court fines and fees; indigent defendant; waiver of fees.*

Patrons—Deeds and Carroll Foy

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That § 19.2-362 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-362.1 as follows:**

**§ 19.2-362. Court not to remit fine or penalty, other than fine for contempt, except as provided in § 19.2-358.**

No court shall remit any fine or penalty, except for a contempt, which the court during the same term may remit either wholly or in part, and except as provided in § 19.2-358 or 19.2-362.1. This section shall not impair the judicial power of the court to set aside a verdict or judgment, or to grant a new trial.

**§ 19.2-362.1. Determination of indigence for assessment of fees; waiver of fees.**

*Notwithstanding any other provision of law, in any criminal or traffic case, the court may waive the assessment of any fees, either wholly or in part, as provided for by §§ 16.1-69.48:1, 16.1-69.48:1.01, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.5, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.12, 17.1-275.13, and 17.1-275.14 if the court determines the defendant to be indigent pursuant to § 19.2-159 and is unable to pay such fee. The court may make such determination upon motion of the defendant at any time prior to the entry of order for which such fee is assessed or final order has been entered.*

INTRODUCED

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