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HOUSE BILL NO. 268

Offered January 14, 2026

Prefiled January 9, 2026

A BILL to amend and reenact §§ 19.2-340, 19.2-341, and 19.2-354 of the Code of Virginia, relating to fines and costs; period of limitations on collection; deferred payment agreement.

Patron—Hernandez

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-340, 19.2-341, and 19.2-354 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-340. Fines; how recovered; in what name.

A. When any statute or ordinance prescribes a fine, unless it is otherwise expressly provided or would be inconsistent with the manifest intention of the General Assembly, it shall be paid to the Commonwealth if prescribed by a statute and recoverable by presentment, indictment, information, or warrant and paid to the locality if prescribed by an ordinance and recoverable by warrant. Whenever any warrant or summons is issued pursuant to § 19.2-72 or 19.2-74 for an offense in violation of any county, city, or town ordinance that is similar to any provision of this Code, and such warrant or summons references the offense using both the citation corresponding to the county, city, or town ordinance and the specific provision of this Code, any fine prescribed by the county, city, or town ordinance shall be paid to the locality. Fines imposed and costs taxed in a criminal or traffic prosecution, including a prosecution for a violation of an ordinance adopted pursuant to § 46.2-1220, for committing an offense shall constitute a judgment and, if not paid at the time they are imposed, execution may issue thereon in the same manner as upon any other monetary judgment, subject to the period of limitations provided by § 19.2-341.

B. Notwithstanding any other provision of law, upon the expiration of the period of limitations provided by § 19.2-341, no action shall be brought to collect the debt.

28 C. The period of limitations provided by § 19.2-341 shall apply regardless of the method of collection
29 applicable pursuant to § 19.2-349 and shall not be extended or revived on account of a partial payment, a
30 written or verbal affirmation of fines or costs, or a change in collection methods. Upon the expiration of the
31 period of limitations, it shall not be revived or restarted by any means.

§ 19.2-341. Penalties other than fines; how recovered; in what name; limitation of actions.

33 A. When any statute or ordinance prescribes a monetary penalty other than a fine, unless it is otherwise
34 expressly provided or would be inconsistent with the manifest intention of the General Assembly, it shall be
35 paid to the Commonwealth if prescribed by a statute and paid to the locality if prescribed by an ordinance and
36 recoverable by warrant, presentment, indictment, or information. Penalties imposed and costs taxed in any
37 such proceeding shall constitute a judgment and, if not paid at the time they are imposed, execution may issue
38 thereon in the same manner as upon any other monetary judgment. No such proceeding of any nature,
39 however, shall be brought or had for the recovery of such a penalty or costs due the Commonwealth or any
40 political subdivision thereof, unless within 60 10 years from the date of the offense or delinquency giving rise
41 to imposition of such penalty if imposed by a circuit court or within 30 years if imposed by a general district
42 court judgment.

C. The period of limitations provided in subsection A shall apply regardless of the method of collection applicable pursuant to § 19.2-349 and shall not be extended or revived on account of a partial payment, a written or verbal affirmation of the debt, or a change in collection method. Upon the expiration of the period of limitations, it shall not be revived or restarted by any means.

**49 § 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in
50 installments or upon other terms and conditions; community work in lieu of payment.**

51 A. Any defendant convicted of a traffic infraction or a violation of any criminal law of the
52 Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, who is
53 sentenced to pay a fine, restitution, forfeiture, or penalty may pay such fine, restitution, forfeiture, or penalty
54 and any costs that the defendant may be required to pay in deferred payments or installments. The court
55 assessing the fine, restitution, forfeiture, or penalty and costs shall authorize the clerk to establish and
56 approve individual deferred or installment payment agreements. If the defendant owes court-ordered
57 restitution and enters into a deferred or installment payment agreement, any moneys collected pursuant to
58 such agreement shall be used first to satisfy such restitution order and any collection costs associated with

59 restitution prior to being used to satisfy any other fine, forfeiture, penalty, or cost owed, unless an order for
60 restitution is docketed in the name of the victim or it is ordered that an assignment of the judgment to the
61 victim be docketed. Any payment agreement authorized under this section shall be consistent with the
62 provisions of § 19.2-354.1. The requirements set forth in § 19.2-354.1 shall be posted in the clerk's office and
63 on the court's website, if a website is available. As a condition of every such agreement, a defendant who
64 enters into an installment or deferred payment agreement shall promptly inform the court of any change of
65 mailing address during the term of the agreement. If the defendant is unable to make payment within 90 days
66 of sentencing, the court may assess a one-time fee not to exceed \$10 to cover the costs of management of the
67 defendant's account until such account is paid in full. This one-time fee shall not apply to cases in which costs
68 are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or
69 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant
70 participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full
71 by the date ordered, shall proceed in accordance with § 19.2-358.

72 B. When a person sentenced to the Department of Corrections or a local correctional facility owes any
73 fines, costs, forfeitures, restitution, or penalties, he shall be required as a condition of participating in any
74 work release, home/electronic incarceration, or nonconsecutive days program as set forth in § 53.1-60,
75 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his
76 installment or deferred payment agreement while participating in such program. If, after the person has an
77 installment or deferred payment agreement, the person fails to pay as ordered, his participation in the
78 program may be terminated until all fines, costs, forfeitures, restitution, and penalties are satisfied. The
79 Director of the Department of Corrections and any sheriff or other administrative head of any local
80 correctional facility shall withhold such ordered payments from any amounts due to such person, *including*
81 *amounts assessed but not yet due under a deferred payment agreement established pursuant to subsection F.*
82 Distribution of the moneys collected shall be made in the following order of priority to:

- 83 1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be
84 disbursed according to the terms of such order;
- 85 2. Pay any restitution as ordered by the court;
- 86 3. Pay any fines or costs as ordered by the court;
- 87 4. Pay travel and other such expenses made necessary by his work release employment or participation in
88 an education or rehabilitative program, including the sums specified in § 53.1-150; and
- 89 5. Defray the offender's keep.

90 The balance shall be credited to the offender's account or sent to his family in an amount the offender so
91 chooses.

92 The State Board of Local and Regional Jails shall promulgate regulations governing the receipt of wages
93 paid to persons sentenced to local correctional facilities participating in such programs, the withholding of
94 payments, and the disbursement of appropriate funds. The Director of the Department of Corrections shall
95 prescribe rules governing the receipt of wages paid to persons sentenced to state correctional facilities
96 participating in such programs, the withholding of payments, and the disbursement of appropriate funds.

97 C. The court shall establish a program and may provide an option to any person upon whom a fine and
98 costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of
99 community service work (i) before or after imprisonment or (ii) in accordance with the provisions of
100 § 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 during imprisonment. The program shall
101 specify the rate at which credits are earned and provide for the manner of applying earned credits against the
102 fine or costs. The court assessing the fine or costs against a person shall inform such person of the availability
103 of earning credit toward discharge of the fine or costs through the performance of community service work
104 under this program and provide such person with written notice of terms and conditions of this program. The
105 court shall have such other authority as is reasonably necessary for or incidental to carrying out this program.

106 D. When the court has authorized deferred payment or installment payments, the clerk shall give notice to
107 the defendant that upon his failure to pay as ordered he may be fined or imprisoned pursuant to § 19.2-358.

108 E. The failure of the defendant to enter into a deferred payment or installment payment agreement with
109 the court or the failure of the defendant to make payments as ordered by the agreement shall allow the Tax
110 Commissioner to act in accordance with § 19.2-349 to collect all fines, costs, forfeitures, and penalties.

111 F. *For any defendant sentenced to an active term of incarceration and ordered to pay any fine, cost,
112 forfeiture, or penalty related to the charge that such defendant is incarcerated for, or any other charge for
113 which such defendant was sentenced on the same day, the court shall enter such defendant into a deferred
114 payment agreement, as defined in § 19.2-354.1, for such fines, costs, forfeitures, or penalties. The due date
115 for such deferred payment agreement shall be set no earlier than the defendant's scheduled release from
116 incarceration on the charge for which such defendant received the longest period of active incarceration.
117 Notwithstanding any other provisions of law, the period of limitations provided by § 19.2-341 for payment of
118 such fines, costs, forfeitures, or penalties shall start to run on the due date for such deferred payment
119 agreement.*