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SENATE BILL NO. 472

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact §§ 19.2-326 and 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.

Patron—Deeds

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-326 and 19.2-362 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-362.1 as follows:

§ 19.2-326. Payment of expenses of appeals of indigent defendants.

In any felony or misdemeanor case wherein the judge of the circuit court, from the affidavit of the defendant or any other evidence, certifies that the defendant is financially unable to pay his attorney fees, costs, and expenses incident to an appeal, the court to which an appeal is taken shall order the payment of such attorney fees in an amount not less than \$300, and costs, or necessary expenses of such attorney in an amount deemed reasonable by the court, by the Commonwealth out of the appropriation for criminal charges. If the conviction is upheld on appeal, the attorney fees, costs, and necessary expenses of such attorney paid by the Commonwealth under the provisions of this section may be assessed against the defendant.

§ 19.2-362. Court not to remit fine or penalty, other than fine for contempt, except as provided in § 19.2-358 or 19.2-362.1.

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 the financial criteria set forth in § 19.2-159 and unable to pay such fee. The court may make such determination either sua sponte or upon motion of the defendant at any time prior to the entry of an order for which such fee is assessed or the final order has been entered. In making such determination, there shall be a presumption that a person who is indigent pursuant to the financial criteria set forth in § 19.2-159, or has already been deemed indigent during the pendency of a criminal or traffic case pursuant to § 19.2-159, is unable to pay fees and shall be accorded relief, unless the court makes a specific finding to the contrary. The court shall retain the power to partially or fully remit any court debt that was previously imposed following a show cause or affirmative petition by the debtor pursuant to § 19.2-358.

INTRODUCED

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