

HOUSE BILL NO. 331

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute—Delegate McClure)

A BILL to amend and reenact § 19.2-303.4 of the Code of Virginia, relating to payment of costs when proceedings deferred.

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-303.4 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-303.4. Payment of costs when proceedings deferred.

A. A circuit or district court, ~~which~~ that has deferred further proceedings, without entering a judgment of guilt, and ~~placed imposed on~~ a defendant ~~on probation subject to~~ terms and conditions pursuant to § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251, 19.2-298.02, 19.2-303.2, or 19.2-303.6 shall *also* impose upon the defendant costs.

B. For any deferral entered into on or after July 1, 2026, pursuant to § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251, 19.2-298.02, 19.2-303.2, or 19.2-303.6, the court shall not require the defendant to pay such costs or other fees imposed pursuant to subsection A as a term or condition of his deferral. Upon fulfillment of all other terms and conditions, the court shall adjudicate the matter consistent with the agreement of the parties or, if none, by conviction of an alternative charge or dismissal of the case. However, such costs and other fees shall remain due until paid, and all methods of payment and collection already in place to satisfy or collect any outstanding costs or other fees shall remain available to such court after the underlying case against the defendant has been adjudicated or dismissed.