

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB660 **Patron:** Maldonado
Bill Title: Court fines and fees; indigent defendant; waiver of fees.

Bill Summary: Provides that in any criminal or traffic case, the court may waive the assessment of certain fees specified in the bill, either wholly or in part, if the court determines the defendant to be indigent pursuant to the financial criteria set forth in relevant law and unable to pay such fee. The bill provides that the court may make such determination *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.

Budget Amendment Necessary: Potentially **Items Impacted:** Front page would need adjustment to general fund revenue.

Explanation: See fiscal analysis

Fiscal Summary: According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, this bill could have a significant reduction in General Fund revenue collected by the Courts. The Courts do not retain the funds; instead, the funds are deposited into the General Fund.

General Fund Revenue Impact:

Agency	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
Circuit Courts		(\$23,293,306)	(\$23,293,306)	(\$23,293,306)	(\$23,293,306)	(\$23,293,306)
General District Courts		(\$13,924,581)	(\$13,924,581)	(\$13,924,581)	(\$13,924,581)	(\$13,924,581)
JDR District Courts		(\$1,729,649)	(\$1,729,649)	(\$1,729,649)	(\$1,729,649)	(\$1,729,649)
TOTAL		(\$38,947,536)	(\$38,947,536)	(\$38,947,536)	(\$38,947,536)	(\$38,947,536)

Fiscal Analysis:

This bill would give judges the discretion to waive criminal or traffic case fees, either wholly or in part, if the court determines the defendant is indigent and unable to pay such fee. The waiving of fees could result in the loss of General Fund revenue collected by the Courts.

According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, this bill would give judges the discretion to waive criminal or traffic case fees, either wholly or in part, if the court determines the defendant is indigent and unable to pay such fee. The court may waive the fees based on a motion filed by the defendant or *sua sponte*. Though waiver would be discretionary on the part of the judge, there would be a presumption that a defendant determined to be indigent could not pay the fees unless the court made a

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specific finding to the contrary. Court debts that were previously imposed upon a defendant could be partially or fully remitted following a show cause or affirmative petition by the debtor pursuant to § 19.2-358.

In Fiscal Years 2024 and 2025, the circuit courts assessed an average of \$47,154,586; the general district courts (GDCs) assessed an average of \$16,654,378; and the juvenile and domestic relations district courts (JDRs) assessed an average of \$2,863,568 in court costs against defendants who were determined to be indigent. Thus, the total estimated amount of ongoing assessed fees that could potentially be waived by judges via the provisions of this bill is \$66,672,532.

Typically, the amount actually repaid annually in relation to assessed fines and costs in a given year is 49 percent in circuit court, 84 percent in GDC, and 60 percent in JDR. By applying these payment rates to the annual amounts assessed, and assuming that almost all waiver requests would be granted in applicable cases based on the strong presumption, it is estimated that \$23,293,306 in circuit court fees, \$13,924,581 in GDC fees, and \$1,729,649 in JDR fees could be forgone annually based on the provisions of this bill. Therefore, the total estimated amount that could no longer be received by the Commonwealth annually would be \$38,947,536.

Other: Related to SB472.