

## VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF MONTGOMERY

## IN RE: Deferral of Court Fines &amp; Costs During Incarceration

This day came the Court, on its own motion, to advise in writing, and directs that the Clerk of this Court shall enforce the following procedure for collecting fines, costs, restitution, and any other costs charged to the Defendant in a criminal matter. This procedure shall become effective on July 1, 2024.

1. Defendants accounts shall be deferred during their incarceration, unless specifically otherwise Ordered. This deferral shall not exceed 20 years.
2. Defendants ordered to pay restitution through an agreement at sentencing pursuant to Virginia Code §19.2-305.1, are subject to the terms of the restitution payment agreement.
3. Defendants are required to make payment in full or enter into an installment payment agreement with the Clerk of this Court, within 30 days of sentencing or prior to the end of the incarceration deferral status.
4. If the Defendant informs the Court that their sole financial resource is a Social Security benefit or Supplemental Security Income, then they are not required to pay until they have another resource or income. As long as their sole income remains unchanged, their account will not go to collections. Any restitution that they may have been ordered to pay is not included in this exemption of payment and is due as the court has ordered pursuant to Virginia Code §19.2-354.1(J).
5. The Clerk of this Court shall notify the defendant after sentencing, pursuant to Virginia Code §19.2-354 of the amount of fines, costs and restitution due. The Clerk of this Court shall send a notice of delinquent fines and costs due stating when the account is to become delinquent and subject to collection at the end of the deferral status.
6. This Order shall not affect any deferral by previous Order or any installment agreement currently in place.
7. Unpaid balances are reported to the Department of Taxation for Set-off Debt Collection. This may lead to income garnishments and tax return garnishments.

Judges Signature Redacted Pursuant to VA Code 17.1-293

Robert M. D. Turk, Judge

7/10/24

Entered

Judges Signature Redacted Pursuant to VA Code 17.1-293

K. Mike Fleenor, Jr., Judge