

AN ORDINANCE INCREASING FROM \$10 TO \$20 THE AMOUNT ASSESSED AGAINST A CONVICTED DEFENDANT AS PART OF THE COSTS IN A CRIMINAL OR TRAFFIC CASE IN DISTRICT OR CIRCUIT COURT TO FUND COURTHOUSE AND COURTROOM SECURITY

WHEREAS, §15.2-1427 and §15.2-1433 of the Code of Virginia (1950), as may be amended from time to time, enable a local governing body to adopt, amend, and codify ordinances or portions thereof; and

WHEREAS, Appomattox County Code §3.7-47 currently assesses a courthouse security fee of \$10, pursuant to subsection D of Virginia Code §53.1-120; and

WHEREAS, subsection D of Virginia Code §53.1-120 was amended by Senate Bill 149, which was adopted by the Senate and House of Delegates, and signed by the Governor on March 4, 2020; and

WHEREAS, Senate Bill 149 increases the maximum amount that a locality may charge for a courthouse security fee from \$10 to \$20, and goes into effect on July 1, 2020; and

WHEREAS, such an increase is necessary and expedient for the courthouse security needs of the County of Appomattox; and

WHEREAS, the full text of this amendment was available for public inspection in the Appomattox County Administration Office at 153A Morton Lane, Appomattox, Virginia, 24522; and

WHEREAS, on June 15, 2020, a public hearing was held on this matter, and all of those wishing to speak on this topic were heard; and

NOW, THEREFORE BE IT ORDAINED by the Board of Supervisors of Appomattox County as follows:

- A. The courthouse security fee in Appomattox County shall be increased to \$20, in both the district and circuit courts. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the County Treasurer, and held by the Treasurer to be appropriated by the Board of Supervisors to the Sheriff's Office. The assessment shall be used solely for the funding of courthouse security personnel, and if requested by the Sheriff, equipment and other personal property used in connection with courthouse security.
- B. "Courthouse Security Fee" means the amount assessed by the Board of Supervisors under the authority of subsection D of Virginia Code §53.1-120

against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.

C. The provisions of this Ordinance shall go into effect on July 1, 2020.

Adopted this day, 15th of June, 2020,

Samuel E. Carter, Chairman

ATTEST

Susan M. Adams, Clerk

Chapter 3.7. Taxation and Fees

Article XV. Assessment for Courthouse Security Personnel

[Adopted 9-1-2007]

§ 3.7-42. Fee imposed.

A fee in the amount of \$10 per criminal or traffic case shall be imposed upon any individual convicted of a violation of any statute or ordinance in either the General District, Juvenile and Domestic Relations or Circuit Court of Appomattox County.

§ 3.7-43. Collection and disbursement.

The fee set forth in § 3.7-42 shall be assessed by the Clerk of the Court in which the conviction occurred, along with the other costs of the court proceedings, and deposited with the County Treasurer. The Treasurer shall hold said funds subject to appropriation by the Board of Supervisors to the Appomattox County Sheriff's Department for the funding of courthouse security personnel.

§ 3.7-44. Authority.

This article is enacted in accordance with § 53.1-120 of the Code of Virginia, as amended.

§ 3.7-45. Effective date.

The effective date of this article is September 1, 2007.

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 602

An Act to amend and reenact § 53.1-120 of the Code of Virginia, relating to courthouse and courtroom security; assessment.

Approved April 2, 2020

[S 149]

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-120 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-120. Sheriff to provide for courthouse and courtroom security; designation of deputies for such purpose; assessment.

A. Each sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption and shall designate deputies for this purpose. A list of such designations shall be forwarded to the Director of the Department of Criminal Justice Services.

B. The chief circuit court judge, the chief general district court judge and the chief juvenile and domestic relations district court judge shall be responsible by agreement with the sheriff of the jurisdiction for the designation of courtroom security deputies for their respective courts. If the respective chief judges and sheriff are unable to agree on the number, type and working schedules of courtroom security deputies for the court, the matter shall be referred to the Compensation Board for resolution in accordance with existing budgeted funds and personnel.

C. The sheriff shall have the sole responsibility for the identity of the deputies designated for courtroom security.

D. Any county or city, through its governing body, may assess a sum not in excess of ~~\$10~~ \$20 as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted of a violation of any statute or ordinance. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of criminal and traffic cases originating and heard in the town. The imposition of such assessment shall be by ordinance of the governing body that may provide for different sums in the circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the appropriate county or city and held by such treasurer to be appropriated by the governing body to the sheriff's office. The assessment shall be used solely for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.