

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF BRISTOL**

Fips Code: 520  
 Judge: Sage B. Johnson

RECORDED IN CITY OF BRISTOL, VA  
 KELLY L. FLANNAGAN, CLERK OF CIRCUIT COURT

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 BOOK  
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 INSTRUMENT # 240000074

HDP

**IN RE: DEFERRED PAYMENT PLAN GUIDELINES AND PROCEDURES FOR COURT COSTS, FINES AND RESTITUTION OWED IN CIRCUIT COURT**

**AMENDED ORDER**

It appearing that an Order regarding Deferred Payment Plan Guidelines was entered in this Court on July 28, 2021. It further appearing that, pursuant to Section 19.2-354 and 19.2-354.1 of the 1950 Code of Virginia, said prior Order needs to be amended to reflect if a defendant owes fines and costs and said defendant's sole financial resource is a Social Security benefit or Supplemental Security Income, said defendant shall be exempt from making payments until he or she has another source of income. Any restitution and restitution interest ordered to be paid is not included in this exemption of payment and is due as the Court has ordered. In keeping with Rule 1:24 of the Rules of the Virginia Supreme Court and recently amended statutes, the July 28, 2021 Order entered in this Court is hereby **ORDERED** amended to reflect the following:

Any person seeking exemption from a payment plan based upon law allowing exemption for persons whose only source of income is a Social Security benefit or Supplemental Security Income shall be required to complete the payment plan form and establish the same for purpose of exemption.

It appearing that each defendant is given a time to pay plan if court costs, fines and/or restitution is not paid in full upon sentencing.

It further appearing that if a defendant should default on the payment agreement given upon sentencing, the following remedies are available:

The defendant may apply for a second payment agreement. To apply, the defendant must complete the paperwork provided by the Circuit Court Clerk's Office in its entirety. No down payment is required for a second payment agreement.

If the defendant defaults on a second payment agreement, the defendant may petition the Court for a subsequent payment agreement. In determining whether to approve the request for a subsequent payment agreement, the Court shall consider any change in the defendant's circumstances. If a defendant applied for a third or subsequent payment agreement and is not determined to be exempted from payments based upon income resources, the Court will require a down payment for fines, costs, or restitution, as set forth herein.

Regardless of exemption status, any defendant owing restitution will be required, as a condition of receiving a third or subsequent payment plan, to make a down payment established herein. If not exempt based on income resources or if restitution is owed, the defendant's payment plan will require if the fines, costs or restitution owed is \$500 or less, a down payment of 10 percent of such amount will be required. If the fines, costs or restitution owed is more than \$500, a down payment of five percent of such amount or \$50, whichever is greater, will be required.

All restitution and restitution interest is to be paid first, unless otherwise directed by the Court. Once restitution and restitution interest, if any is due, is satisfied, subsequent payment are to be applied to fines and court costs.

Enter this 12<sup>th</sup> day of July, 2024

Sage B. Johnson  
JUDGE