

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF WAYNESBORO

IN RE: COMMUNITY SERVICE IN LIEU OF COURT COSTS AND FINES

Costs and Fines Community Service Program Effective April 1, 2023

In accordance with Rule 1:24 of the Rules of the Supreme Court of Virginia, the Court hereby adopts the following as a program for alternatives in the collection of fines and costs. Upon request, the court may authorize community service performed after sentencing in lieu of paying fines and costs. The community service must be performed (i) before or after imprisonment, or (ii) in accordance with the provisions of Virginia Code Sections 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129 or 53.1-131 during imprisonment. Community service **CANNOT** be used to satisfy any portion of restitution, including any interest owed on a restitution obligation or collection fee required.

Community service performed in accordance with this program is **in addition** to community service ordered by the Court as part of the defendant's sentence. In order to qualify, an individual is required to perform community service for a non-profit or government agency. Community service work is work performed without pay to help people in the community or to assist a government agency. **Compensated work, even at a depressed wage, shall not qualify as community service work for the purposes of this program.** In accordance with Virginia Code Section 19.2-354 (C), the hourly amount to be credited towards fines and costs is based on the Virginia state minimum wage rate. Participation in this program does not suspend any monthly installment agreement or time to pay plan otherwise set up with the Clerk of Court. These credits will be in addition to those obligations.

In order to be given credit for community service toward the discharges of fines and court costs, an individual must comply with the following three steps:

- 1.) request approval in writing stating the agency where the community service work will be performed and how such work will benefit the community or governmental agency;
- 2.) receive approval from the Court. Community service work performed prior to the Court's approval will not be credited toward the individual's fines and court costs;
- 3.) provide written confirmation from the supervising agency, signed, under oath, by the supervisor of the community service work performed. The supervising agency should include a statement that credit for the community service hours being submitted is only being requested for the outstanding obligation in this Court. The same community service hours may not be credited towards fines and costs in multiple jurisdictions.

Any false documents filed with the Court seeking credit for fines or costs may be punished as Forgery of a Public Document, in violation of Va. Code § 18.2-168. Such a charge is a Class 4 felony, punishable by a maximum of ten years imprisonment.

To remain eligible for the community service program, the defendant must begin providing proof of completed community service hours within 90 days from entry of the order approving the request to participate in the community service program. If the defendant fails to submit proof of completed community service within that time period or does not submit ongoing documentation of community of service for a six-month period, the defendant will be removed from the program and will need to reapply for future participation. The defendant will not receive credit for community service performed between the date of last report and the date of reentry into the program.

The clerk of this court is ORDERED to make a written copy of the Costs and Fines Community Service Program available to any defendant requesting to perform community service work in lieu of fines and costs unless otherwise provided by the court.


Paul A. Dryer, Judge

REQUEST FOR APPROVAL OF COMMUNITY SERVICE PROGRAM TO DISCHARGE FINES AND COSTS
Va. Code Section 19.2-354(C)

Case No(s). _____

CITY OF WAYNESBORO CIRCUIT COURT

Name of Defendant

Date of Birth

Street/P.O. Box

Last Four Digits of Social Security No.

City, State, Zip Code

I, _____, respectfully seek this Court's approval to perform community service work at _____, under the supervision of _____ in lieu of monetary payment of my fines and court costs. My work will benefit the community or governmental agency in the following way: _____

_____. I request that if approved, my community service work, be applied to satisfy the fines and court costs in the above case numbers. (If no case number is listed, I acknowledge that my community service hours, if approved, will only be applied to the oldest case with outstanding fines and court costs). I further acknowledge that I have read and reviewed the Court's community service program including the definition of community service on the reverse side of this form.

For incarcerated individuals: My work will be performed, while incarcerated, as part of the following program(s): Va. Code 19.2-16.4 (CCAP); Va. Code 53.1-59 (state prisoners working for localities); Va. Code 53.1-60 (prison work release outside prison); Va. Code 53.1-128 (county workforces); Va. Code 53.1-129 (court ordered workforces); Va. Code 53.1-131 (court ordered work release).

Date: _____

Petitioner

(COURT USE ONLY)

I [] approve [] disapprove of this community service plan for court costs/fine credit at the hourly rate of \$ 12.00/hr. ***Approval of the plan is not a guarantee that hours submitted will be accepted. Hours submitted must have the necessary certification and comply with the terms of the program.**

Date: _____

Judge