

HB857 & SB514: Reforming the Statutes of Limitations for Criminal Legal Debt in Virginia

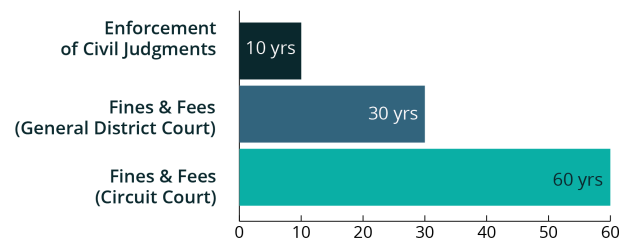
Under current law, the statute of limitations (SoL) for the collection of court fines and fees can be as long as 60 years. HB 857 & SB 514 would establish a uniform standard of 10 years that runs from the date of the judgment.

Current Law Locks Families Into Cycles of Debt They Cannot Escape

Like other states, Virginia has rules specifying the length of time that a lawsuit may be filed in court, including lawsuits that seek to collect outstanding debts. These rules are commonly referred to as statutes of limitations. Under current law, the statute of limitations for court debt (e.g., fines and fees) is 30 years when imposed by a general district court and 60 years when the debt is imposed by a circuit court (Va. Code Ann. §19.2-341).

Virginia's Statutes of Limitations for Court Fines & Fees Set Poverty Traps Spanning Decades

Comparison of select statutes of limitations



Source: Va. Code Ann. §§ 8.01-251, 16.1-94.1, 19.2-341



Current law creates poverty traps. When a person is unable to pay their court costs upfront, they may incur additional fees, interest on the debt, wage garnishments, and can lose state tax refunds. Under current law, these harms can continue for decades.

Virginia's lengthy statutes of limitations for criminal justice debt is an outlier relative to other states. Many other states—including Arkansas, North Dakota, Oregon, Tennessee, Texas, Washington, and West Virginia—have only a 10-year statute of limitations that applies to court fines and fees.

Support HB 857 & SB 514

This bill would reform existing law by:

- Establishing a uniform 10-year SoL, rather than a 30/60 year standard depending on the court;
- Starting the SoL period from the date of judgment, rather than the date of offense;
- The bill would NOT impact restitution, which has no statute of limitations under current law;
- The bill would NOT alter existing enforcement mechanisms for the collection of court debt.



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