

HB268 & SB180: 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 268 & SB 180 would establish a uniform standard of 10 years.

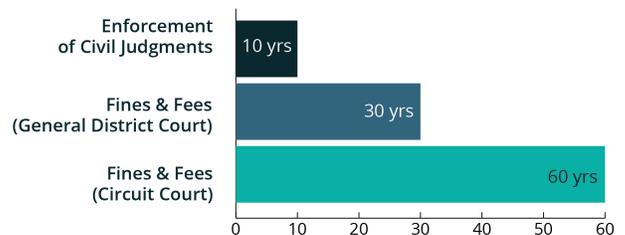
Current Law Allows Court Debt to Follow People for Decades

Virginia law sets time limits, known as statutes of limitations, on when court debt (fines and fees) may be collected. Under current law, court fines and fees may be collected for **30 years when imposed by a general district court** and **60 years when imposed by a circuit court** (Va. Code §§ 19.2-340/341).

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 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



Virginia's lengthy statutes of limitations for criminal legal debt are an outlier. A 10-year statute of limitations is a recognized enforcement period in other areas of Virginia law. Many other states have statutes of limitations for criminal justice debt that are 10 years or less. Even under federal tax law, the IRS generally has 10 years from the date a tax is assessed to collect unpaid taxes, penalties, and interest.

These bills 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 later of the date of judgment or the scheduled date of release for individuals who are incarcerated;
- The bill would NOT impact restitution, which has no statute of limitations under current law;
- The bill would NOT alter existing enforcement mechanisms or current deferred payment agreements.

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