MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS

COMMONWEALTH OF VIRGINIA

Case No. .....

..... HEARING DATE AND TIME

..... Juvenile and Domestic Relations District Court

This motion is filed in connection with Case No. .....

..... **v. / *In re*** .....

Party Making this Request:

..... NAME

..... ADDRESS/LOCATION

.....

..... TELEPHONE NUMBER

Party to be Served:

..... NAME

..... ADDRESS/LOCATION

.....

..... TELEPHONE NUMBER

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN MO.	BORN DAY	BORN YR.	HT. FT.	HT. IN.	WGT.	EYES	HAIR

SSN

The undersigned respectfully represents to the Court that the respondent should,

1 [ ] pursuant to Va. Code § 19.2-306, have his or her suspended sentence that was previously suspended on ..... DATE for conviction of ..... revoked because .....

..... and be sentenced in accordance with Va. Code §§ 19.2-306 and 19.2-306.1.

2 [ ] have his or her recognizance revoked or modified because of the following violation of conditions of release: .....

.....

[ ] be imprisoned, fined or otherwise punished or dealt with according to law

3 [ ] pursuant to Va. Code §§ 18.2-456/16.1-69.24 for failure to obey an order of [ ] this Court [ ] .....

dated ..... ordering .....

.....

such act of the respondent being described as ..... on ..... DATE

4 [ ] pursuant to Va. Code [ ] §§ 18.2-456/16.1-69.24 [ ] § 19.2-358 [ ] § 19.2-305.2 (restitution only), for failure to pay fines, costs, forfeitures, restitution and/or penalties or an installment thereof; payment due: $ ..... on ..... DATE

5 [ ] pursuant to Va. Code § 16.1-278.16 for failure to provide support as ordered on

..... DATE $ ..... per .....

with $ ..... arrearage as of ..... DATE

6 [ ] pursuant to Va. Code § 16.1-292(A)(i) for failure to obey a child custody or visitation order of [ ] this Court [ ] .....

dated ..... ordering .....,

such an act of the respondent being described as .....

..... on ..... DATE

7 [ ] pursuant to § 19.2-303.3, have his or her local community-based probation revoked or modified because .....

.....

8 [ ] pursuant to § 19.2-304, have his or her probation period or conditions modified as follows: .....

.....

because .....

9 [ ] pursuant to [ ] § 4.1-305 [ ] § 4.1-1120 [ ] § 18.2-57.3 [ ] § 18.2-251 [ ] § 19.2-303.2 [ ] § 19.2-303.6 [ ] § 19.2-298.02, have his or her deferral of proceedings revoked and be subjected to the proceedings as provided by law because .....

.....

10 [ ] (Other – Explain) .....

.....

Therefore, the undersigned requests the issuance of process to the respondent to answer the above motion.

..... DATE ..... TITLE _____ SIGNATURE

SHOW CAUSE SUMMONS (CRIMINAL)

Commonwealth of Virginia

VA. CODE §§ 19.2-306; 19.2-123, -132, -135; 16.1-69.24; 18.2-456, §§ 19.2-358; 19.2-305.2; 16.1-278; 18.2-271.1; 19.2-303.3; 19.2-304

[ ] General District Court
[X] Juvenile and Domestic Relations District Court

..... CITY OR COUNTY

..... STREET ADDRESS OF COURT ..... TELEPHONE NUMBER

TO ANY AUTHORIZED OFFICER:

You are hereby commanded to summon forthwith the Respondent to appear before this Court on ..... DATE AND TIME to show cause, if any, why Respondent should not, pursuant to Va. Code § .....

A [ ] have his/her suspended sentence of ..... and/or suspended fine of ..... that was previously suspended on ..... for the conviction of ..... revoked because ..... and be sentenced in accordance with Va. Code §§ 19.2-306 and 19.2-306.1.

B [ ] have his/her recognizance revoked or modified because of the following violation of conditions of release .....

[ ] be imprisoned, fined or otherwise punished for:

C [ ] failure to appear in this Court on ..... DATE AND TIME

D [ ] failure to pay fines, costs, forfeiture, restitution and/or penalty or an installment thereof: payment due: $ ..... on .....

E [ ] failure to provide support as ordered on ..... $ ..... per ..... with $ ..... arrearage as of .....

F [ ] failure to obey an order of [ ] this court [ ] ..... dated ..... ordering .....

G [ ] have his/her driving privilege revoked for failure to timely pay the VASAP fee

H [ ] have his/her VASAP participation revoked because ....

I [ ] have his or her community-based probation revoked or modified because ....

J [ ] have his or her probationary [ ] period [ ] conditions modified because ....

K [ ] have his or her deferral of proceedings revoked and be subjected to the proceedings as provided by law because .....

L [ ] (Other-

WARNING: Failure to appear may result in your being fined or jailed.

..... DATE

[ ] CLERK [ ] MAGISTRATE [ ] JUDGE

FORM DC-360 (MASTER, PAGE ONE OF TWO) 07/21

CASE NO.

SUMMON THIS RESPONDENT:

..... LAST NAME, FIRST NAME, MIDDLE NAME

..... ADDRESS

.....

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN MO.	BORN DAY	BORN YR.	HT. FT.	HT. IN.	WGT.	EYES	HAIR

SSN

HEARING DATE AND TIME

SHOW CAUSE SUMMONS (CRIMINAL)

In connection with the case of
[ ] Commonwealth of Virginia
[ ] .....

v./In re

.....

UNDERLYING CASE NO. .....

UNDERLYING CHARGE(S) .....

EXECUTED by delivering a true copy of this summons to the Respondent in person this day:

..... DATE AND TIME

_____, SERVING OFFICER

..... BADGE NO., AGENCY AND JURISDICTION

for _____ SHERIFF

OFFENSE TRACKING NUMBER:

FOR ADMINISTRATION USE ONLY
Virginia Crime Code:

The Respondent was this day:

- ☐ tried in absence
- ☐ present

☐ PROSECUTING ATTORNEY PRESENT (NAME)

☐ RESPONDENT'S ATTORNEY PRESENT (NAME)

- ☐ NO ATTORNEY
- ☐ ATTORNEY WAIVED
- ☐ If convicted, no jail sentence will be imposed.

☐ INTERPRETER PRESENT

The Respondent:

- ☐ denied guilt
- ☐ admitted guilt ☐ did not contest guilt
  - ☐ Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

And was TRIED and FOUND by me:

- ☐ not guilty of contempt
- ☐ not guilty
- ☐ guilty of contempt
- ☐ guilty as charged
- ☐ See attached Order

☐ **I ORDER** the charge dismissed ☐ with prejudice

☐ **I ORDER** a nolle prosequi on the prosecution's motion

☐ I find that Respondent has violated the conditions of his or her recognizance/bail.

☐ I find that the Respondent has violated the conditions of his deferred adjudication/disposition.

☐ I find that the Respondent has violated the conditions of his or her suspended sentence.

☐ I find that the Respondent has violated the conditions of his or her placement in VASAP.

I impose the following Disposition:

☐ FINE OF $ ..... with ..... suspended;

☐ JAIL sentence of ..... imposed with ..... suspended conditioned upon being of good behavior, keeping the peace, obeying this order and paying fines and costs.

☐ Revoke Respondent's recognizance/bail.

☐ Revoke ..... days/months of previously suspended jail sentence and resuspending ..... days/months.

☐ Revoke $ ..... of previously suspended fine and resuspending $.....

☐ Serve jail sentence beginning .....
- ☐ on weekends only

☐ on PROBATION for .....
- ☐ Monitoring by GPS/other tracking device

☐ DRIVER'S LICENSE suspended .....

☐ Restricted Driver's License revoked

☐ VASAP participation revoked

☐ Community-based probation revoked

☐ ..... hours of community service to be performed for .....
- ☐ to be credited against fines and costs

☐ Other: .....

☐ Bail on Appeal $ .....

☐ Remanded for FINGERPRINTING/CCRE Report

☐ Contact prohibited between defendant and victim/victim's family or household members

DATE _____ JUDGE

Offense Tracking No. .....

FINE		$ .....
COSTS		
001	INT CRIM CHILD FEE	.....
461	FIXED MISD FEE	.....
113	WITNESS FEE	.....
120	CT. APPT. ATTY	.....
121	T.I.A. FEE	.....
137	TIME TO PAY	.....
228	COURTHOUSE CONSTRUCTION FEE	.....
234	JAIL ADMISSION FEE	.....
244	COURTHOUSE SECURITY FEE	.....
243	LOCAL TRAINING ACADEMY FEE	.....
OTHER (SPECIFY)		
.....		$ .....
.....		$ .....
TOTAL		$ .....

CAPIAS: ATTACHMENT OF THE BODY

VA. CODE §§ 19.2-306; 19.2-123, -132, -135; 16.1-69.24, 18.2-456; 19.2-358; 19.2-305.2; 16.1-278; 18.2-271.1; 19.2-303.3; 19.2-304; 19.2-130.1

Commonwealth of Virginia

[ ] General District Court
[X] Juvenile and Domestic Relations District Court

..... CITY OR COUNTY

..... STREET ADDRESS OF COURT ..... TELEPHONE NUMBER

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth forthwith to arrest the Respondent; and to produce the Respondent in this Court when found, or as soon thereafter as this Court may be in session, to show cause, if any, why Respondent should not, pursuant to Va. Code § .....

A [ ] have his/her suspended sentence of ..... and/or suspended fine of ..... that was previously suspended on ..... for the conviction of ..... revoked because .....

and be sentenced in accordance with Va. Code §§ 19.2-306 and 19.2-306.1.

B [ ] have his/her recognizance revoked or modified because of the following violation of conditions of release .....

[ ] be imprisoned, fined or otherwise punished for

C [ ] failure to appear in this Court on ..... DATE AND TIME

D [ ] failure to pay fines, costs, forfeiture, restitution and/or penalty or an installment thereof: payment due: $ ..... on .....

E [ ] failure to provide support as ordered on ..... $ ..... per ..... with $ ..... arrearage as of .....

F [ ] failure to obey an order of [ ] this court [ ] ..... dated ..... ordering .....

G [ ] have his or her driving privilege revoked for failure to timely pay the VASAP fee

H [ ] have his or her VASAP participation revoked because .....

I [ ] have his or her community-based probation revoked or modified because.....

J [ ] have his or her deferral of proceedings revoked and be subjected to the proceedings as provided by law because .....

K [ ] (Other-explain) .....

[ ]Pursuant to Va. Code § 19.2-130.1, the judge orders that the magistrate shall set the bail terms in accordance with the following, unless circumstances exist that require more restrictive terms:

.....

AND [ ] may [ ] may not set additional terms and conditions.

[ ] The following information is provided to the judicial officer in determining bail:

.....

..... DATE ISSUED

_____ [ ] CLERK [ ] MAGISTRATE [ ] JUDGE

FORM DC-361 (MASTER, PAGE ONE OF TWO) 07/21

CASE NO.

ARREST THIS RESPONDENT:

..... LAST NAME, FIRST NAME, MIDDLE NAME

..... ADDRESS

.....

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN MO.	BORN DAY	BORN YR.	HT. FT.	HT. IN.	WGT.	EYES	HAIR

SSN

CAPIAS: ATTACHMENT OF THE BODY

In connection with the case of

[ ] Commonwealth of Virginia

[ ] .....

v./In re

.....

.....

UNDERLYING CASE NO. .....

UNDERLYING CHARGE(S).

.....

EXECUTED by arresting the Respondent named above on this day:

..... DATE AND TIME

_____, ARRESTING OFFICER

_____ BADGE NO., AGENCY AND JURISDICTION

for_____ SHERIFF

OFFENSE TRACKING NUMBER:

FOR ADMINISTRATIVE USE ONLY
Virginia Crime Code:

HEARING DATE AND TIME

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Motion to Change Bond on: .....

☐ changed to $ .....
☐ no change

The Respondent was this day:
☐ tried in absence
☐ present

☐ PROSECUTING ATTORNEY PRESENT (NAME)

☐ DEFENDANT'S ATTORNEY PRESENT (NAME)

☐ NO ATTORNEY ☐ ATTORNEY WAIVED
☐ If convicted, no jail sentence will be imposed

☐ INTERPRETER PRESENT

The Respondent:
☐ denied guilt
☐ admitted guilt ☐ did not contest guilt
☐ Plea voluntarily and intelligently entered after the defendant was apprised of his right against compulsory self-incrimination and his right to confront the witnesses against him.

And was TRIED and FOUND by me:
☐ not guilty of contempt
☐ not guilty
☐ guilty of contempt
☐ guilty as charged
☐ See attached Order

☐ **I ORDER** the charge dismissed ☐ with prejudice
☐ **I ORDER** a nolle prosequi on the prosecution's motion
☐ I find that Respondent has violated the conditions of his or her recognizance/bail.
☐ I find that the Respondent has violated the conditions of his deferred adjudication/disposition.
☐ I find that the Respondent has violated the conditions of his or her suspended sentence.
☐ I find that the Respondent has violated the conditions of his or her placement in VASAP.

I impose the following Disposition:

☐ FINE OF $ ..... with ..... suspended

☐ JAIL sentence of ..... imposed with ..... suspended conditioned upon being of good behavior, keeping the peace, obeying this order and paying fines and costs.

☐ Revoke Respondent's recognizance/bail.

☐ Revoke ..... days/months of previously suspended jail sentence and resuspending ..... days/months.

☐ Revoke $ ..... of previously suspended fine and resuspending $.....

☐ Serve jail sentence beginning .....
☐ on weekends only

☐ on PROBATION for .....
☐ Monitoring by GPS/other tracking device

☐ DRIVER'S LICENSE suspended .....

☐ Restricted Driver's License revoked
☐ VASAP participation revoked
☐ Community-based probation revoked

☐ ..... hours of community service to be performed for .....

☐ to be credited against fines and costs

☐ Other:

.....

☐ Bail on Appeal $ .....
☐ Remanded for FINGERPRINTING/CCRE Report
☐ Contact prohibited between defendant and victim/victim's family or household members

..... DATE _____ JUDGE

Offense Tracking No. .....

FINE $ .....

COSTS

461 FIXED MISD FEE .....

001 INT CRIM CHILD FEE .....

113 WITNESS FEE .....

120 CT. APPT. ATTY .....

121 T.I.A. FEE .....

228 COURTHOUSE CONSTRUCTION FEE .....

137 TIME TO PAY .....

234 JAIL ADMISSION FEE .....

244 COURTHOUSE SECURITY FEE .....

243 LOCAL TRAINING ACADEMY FEE .....

OTHER (SPECIFY)

..... $ .....

..... $ .....

TOTAL $ .....

SHOW CAUSE SUMMONS (CIVIL)

Commonwealth of Virginia

VA. CODE §§ 8.01-508, 8.01-519, 8.01-564, 8.01-565, 16.1-69.24, 16.1-278.16, 19.2-358

[ ] General District Court

..... [X] Juvenile and Domestic Relations District Court

CITY OR COUNTY

.....

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER:

You are hereby commanded to summon forthwith the Respondent to appear before this Court on

..... to show cause, if any, why Respondent should not, pursuant to

DATE AND TIME

Virginia Code § .....

M [ ] have judgment in the amount of $ ..... or other such amount as may be proved entered against the Respondent Garnishee

[ ] be imprisoned until the Respondent complies with the Court's order or be fined for:

N [ ] failure to pay fines, costs, forfeiture, restitution and/or penalty or an installment thereof:

payment due: $ ..... on .....

O [ ] failure to provide support as ordered on .....

DATE

$ ..... per .....

with $ ..... arrearages as of .....

P [ ] failure to obey an order of [ ] this court [ ] .....

dated ..... ordering .....

Q [ ] failure to appear on ..... to answer interrogatories

DATE

R [ ] (Other-Explain)

.....

WARNING: Failure to appear may result in your being fined or jailed.

.....

DATE ISSUED

[ ] CLERK [ ] MAGISTRATE [ ] JUDGE

CASE NO.

SUMMON THIS RESPONDENT:

.....

LAST NAME, FIRST NAME, MIDDLE NAME

.....

.....

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN

SHOW CAUSE SUMMONS (CIVIL)

In connection with the case of

[ ] Commonwealth of Virginia

[ ] .....

.....

v./*In re*

.....

.....

UNDERLYING CASE NO. .....

NOTICE TO RESPONDENT: If this Show Cause Summons is issued based upon your alleged failure to provide support as ordered, your ability to pay the ordered support will be a critical issue in this proceeding. You will have an opportunity at the hearing to respond to statements and questions about your financial status.

HEARING DATE AND TIME

.....

[ ] Dismissed on motion of Petitioner.

The Respondent was this day:

[ ] tried in absence

[ ] present

The Respondent was:

[ ] represented by counsel

.....
NAME OF COUNSEL

[ ] not represented by counsel

The Respondent:

[ ] denied contempt

[ ] did not contest contempt

[ ] admitted contempt

And was TRIED and FOUND by me:

[ ] not guilty of civil contempt

[ ] guilty of civil contempt

[ ] See attached Order

In addition:

[ ] that there is a support arrearage of $ .....

as of .....

[ ] with interest included

[ ] without interest included

[ ] that the garnishee should have withheld $ .....

[ ] Pending disposition on .....
DATE AND TIME

the court ORDERS

.....

.....
DATE

_____
JUDGE

[ ] I ORDER the charge dismissed

[ ] with prejudice

[ ] without prejudice

I impose the following Disposition:

[ ] Placed in custody until the respondent complies with the requirements of the court's order for a maximum of

.....

[ ] Civil fine of $ .....

payable to .....

[ ] Judgment against garnishee in favor of judgment creditor of $ .....

[ ] Other:

.....

[ ] Appeal Bond $ .....

[ ] Appearance Bond $ .....
[ ] unsecured [ ] secured

[ ] Accrual Bond $ .....

[ ] Work Release [ ] authorized if eligible
[ ] required [ ] not authorized

[ ] Other

.....

[ ] Respondent may purge his/her jail sentence by paying a lump sum of $ ..... to [ ] DCSE [ ] .....

[ ] Purge Clause

.....

[ ] Respondent has been advised of his or her right to appeal the civil contempt.

.....
DATE

_____
JUDGE

RETURNS: Each respondent was served according to law, as indicated below, unless not found.

Name .....

Address .....

.....

.....

[ ] PERSONAL SERVICE | Telephone No. .....

[ ] Being unable to make personal service, a copy was delivered in the following manner:

[ ] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

.....

.....

[ ] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[ ] Served on Secretary of the Commonwealth.

[ ] Not found

_____
SERVING OFFICER

..... for _____
DATE

COSTS

120 CT. APPT. ATTY. $.....

234 JAIL ADMISSION FEE $ .....

CAPIAS: ATTACHMENT OF THE BODY (CIVIL)

Commonwealth of Virginia

VA. CODE §§ 8.01-508, 8.01-519, 8.01-564, 8.01-565, 16.1-69.24, 16.1-278.16, 18.2-456, 19.2-358, 19.2-130.1

[ ] General District Court
[X] Juvenile and Domestic Relations District Court

CITY OR COUNTY

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth forthwith to arrest the Respondent, and to produce the Respondent in this Court when found, or as soon thereafter as this Court may be in session, to show cause, if any, why Respondent should not, pursuant to

Va. Code § .....

L [ ] have judgment in the amount of $ ..... or other such amount as may be proved entered against the Respondent Garnishee

[ ] be imprisoned until the Respondent complies with the Court's order or be fined for:

M [ ] failure to pay fines, costs, forfeiture, restitution and/or penalty or an installment thereof:

payment due: $ ..... on .....

N [ ] failure to provide support as ordered on .....
DATE

$ ..... per .....

with $ ..... arrearage as of .....

O [ ] failure to obey an order of [ ] this court [ ] .....

dated .....

ordering .....

P [ ] (Other-explain)

.....

[ ] CONTINUED ON REVERSE

[ ] Pursuant to Va. Code § 19.2-130.1, the judge orders that the magistrate shall set the bail terms in accordance with the following, unless circumstances exist that require more restrictive terms:

.....

AND [ ] may [ ] may not set additional terms and conditions.

The following information is provided to the judicial officer in determining bail:

.....

.....
DATE ISSUED

_____
[ ] CLERK [ ] MAGISTRATE [ ] JUDGE

DC-483X (FRONT) 10/14

CASE NO.

ARREST THIS RESPONDENT:

.....
LAST NAME, FIRST NAME, MIDDLE NAME

.....

-

.....

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN

CAPIAS: ATTACHMENT OF THE BODY (CIVIL)

In connection with the case of

[ ] Commonwealth of Virginia

[ ] .....

.....

v./In re

.....
DEFENDANT(S)

.....

UNDERLYING CASE NO. .....

EXECUTED by arresting the Respondent named above this day:

.....
DATE AND TIME

_____, ARRESTING OFFICER

_____
BADGE NO., AGENCY AND JURISDICTION

FOR _____
SHERIFF

OFFENSE TRACKING NUMBER:

HEARING DATE AND TIME

The Respondent was this day:

- ☐ tried in absence
- ☐ present

_____

☐ PROSECUTING ATTORNEY PRESENT (NAME)

_____

☐ DEFENDANT'S ATTORNEY PRESENT (NAME)

- ☐ NO ATTORNEY
- ☐ ATTORNEY WAIVED
- ☐ If convicted, no jail sentence will be imposed.

☐ Translator/Interpreter present:

_____
NAME

The Respondent:

- ☐ denied guilt
- ☐ did not contest guilt
- ☐ admitted guilt

And was TRIED and FOUND by me:

- ☐ not guilty of contempt
- ☐ not guilty
- ☐ guilty of contempt
- ☐ guilty as charged
- ☐ See attached Order

In addition:

- ☐ that there is a support arrearage of $ .....
- ☐ that the garnishee should have withheld $ .....

☐ I ORDER the charge dismissed

.....
DATE

I impose the following Disposition:

☐ Placed in custody until the respondent complies with the requirements of the court's order

☐ Placed in custody until the respondent complies with the requirements of the court's order for a maximum of .....

☐ Civil fine of $.....

payable to .....

☐ Judgment against garnishee in favor of judgment creditor of $ .....

☐ Other:

.....

☐ Bail on Appeal $ .....

☐ Remanded for CCRE Report

_____
JUDGE

COSTS

120 CT. APPT. ATTY. $ .....

234 JAIL ADMISSION FEE $ .....

§ 19.2-305.2. Amount of restitution; enforcement.

A. The court, when ordering restitution pursuant to § 19.2-305.1, may require that such defendant, in the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense, (i) return the property to the owner or (ii) if return of the property is impractical or impossible, pay an amount equal to the greater of the value of the property at the time of the offense or the value of the property at the time of sentencing.

B. An order of restitution shall be docketed, in the name of the Commonwealth, or a locality if applicable, on behalf of the victim, as provided in § 8.01-446 when so ordered by the court, unless the victim named in the order of restitution requests in writing that the order be docketed in the name of the victim. An order of restitution docketed in the name of the victim shall be enforced by the victim as a civil judgment. The clerk shall record and disburse restitution payments as provided in subsection D of § 19.2-305.1 and subsection A of § 19.2-354 in accordance with orders of restitution or judgments for restitution docketed in the name of the Commonwealth or a locality. At any time before a judgment for restitution docketed in the name of the Commonwealth or a locality is satisfied, the court shall, at the written request of the victim, order the circuit court clerk to execute and docket an assignment of the judgment to the victim. The circuit court clerk shall remove from its automated financial system the amount of unpaid restitution upon docketing the assignment. If a judge of a district court orders the circuit court clerk to execute and docket an assignment of the judgment to the victim, the district court clerk shall remove from its automated financial system the amount of unpaid restitution upon sending the order to the circuit court clerk. If the victim requests that the order of restitution be docketed in the name of the victim or that a judgment for restitution previously docketed in the name of the Commonwealth or a locality be assigned to the victim, the victim shall provide to the court an address where the defendant can mail payment for the amount due and such address shall not be confidential. When a judgment for restitution previously docketed in the name of the Commonwealth or a locality is ordered to be assigned to the victim, the court shall provide notice of such order to the defendant at the defendant's last known address and shall include the mailing address provided by the victim. Enforcement by a victim of any order of restitution docketed as provided in § 8.01-446 is not subject to any statute of limitations. Such docketing shall not be construed to prohibit the court from exercising any authority otherwise available to enforce the order of restitution.

1988, c. 679; 1989, c. 386; 2017, cc. 786, 814; 2018, c. 736; 2021, Sp. Sess. I, cc. 190, 393.

§ 19.2-358. Procedure on default in deferred payment or installment payment of fine, costs, forfeiture, restitution or penalty.

A. When an individual obligated to pay a fine, costs, forfeiture, or penalty defaults in the payment or any installment payment, the court upon the motion of the Commonwealth in the case of a conviction of a violation of a state law, or attorney for a locality or for the Commonwealth in the event of a conviction of a violation of a local law or ordinance, or upon its own motion, may require him to show cause why he should not be confined in jail or fined for nonpayment. A show cause proceeding shall not be required prior to issuance of a capias if an order to appear on a date certain in the event of nonpayment was issued pursuant to subsection A of § 19.2-354 and the defendant failed to appear.

B. Following the order to show cause or following a capias issued for a defendant's failure to comply with a court order to appear issued pursuant to subsection A of § 19.2-354, unless the defendant shows that his default for the payment of fines, costs, forfeitures, or penalties was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, or unless the defendant shows that any failure to appear was not attributable to an intentional refusal to obey the order of the court, the court may order the defendant confined as for a contempt for a term not to exceed sixty days or impose a fine not to exceed $500. The court may provide in its order that payment or satisfaction of the amounts in default for the payment of fines, costs, forfeitures, or penalties at any time will entitle the defendant to his release from such confinement or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such amounts.

C. If it appears that the default for the payment of fines, costs, forfeitures, or penalties is excusable under the standards set forth in subsection B, the court may enter an order allowing the defendant additional time for payment, reducing the amount due or of each installment, or remitting the unpaid portion in whole or in part.

D. When an individual obligated to pay restitution defaults in the payment or any installment payment, the court upon the motion of the Commonwealth in the case of a conviction of a violation of a state law, or attorney for a locality or for the Commonwealth in the event of a conviction of a violation of a local law or ordinance, or upon its own motion, may proceed in accordance with the procedures set forth in subsection E.

E. If, pursuant to subsection D or at a hearing conducted pursuant to subsection F of § 19.2-305.1, the court finds that a defendant is not in compliance with a restitution order, the court may order the defendant confined as for a contempt for a term not to exceed 60 days unless the defendant shows that his default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, or unless the defendant shows that any failure to appear was not attributable to an intentional refusal to obey the order of the court. The court may provide in its order that payment or satisfaction of the amounts in default at any time will entitle the defendant to his release from such confinement or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such amounts. If it appears that the defendant's default for the payment of restitution is excusable under the standards set forth in this subsection, the court may modify the terms for payment of restitution, except that the court may not modify the amount of restitution owed by the defendant.

F. Nothing in this section shall be deemed to alter or interfere with the collection of fines by any means authorized for the enforcement of money judgments rendered in favor of the Commonwealth or any locality within the Commonwealth.

Code 1950, § 19.1-347.6; 1973, c. 342; 1975, c. 495; 1977, c. 223; 1987, c. 238; 1988, cc. 770, 852; 1992, c. 485; 1994, c. 546; 2018, cc. 316, 671.

Code of Virginia
Title 19.2. Criminal Procedure
Chapter 18. Sentence; Judgment; Execution of Sentence

§ 19.2-306. Revocation of suspension of sentence and probation.

A. Subject to the provisions of § 19.2-306.2, in any case in which the court has suspended the execution or imposition of sentence, the court may revoke the suspension of sentence for any cause the court deems sufficient that occurred at any time within the probation period, or within the period of suspension fixed by the court. If neither a probation period nor a period of suspension was fixed by the court, then the court may revoke the suspension for any cause the court deems sufficient that occurred within the maximum period for which the defendant might originally have been sentenced to be imprisoned.

B. The court may not conduct a hearing to revoke the suspension of sentence unless the court issues process to notify the accused or to compel his appearance before the court within 90 days of receiving notice of the alleged violation or within one year after the expiration of the period of probation or the period of suspension, whichever is sooner, or, in the case of a failure to pay restitution, within three years after such expiration. If neither a probation period nor a period of suspension was fixed by the court, then the court shall issue process within six months after the expiration of the maximum period for which the defendant might originally have been sentenced to be incarcerated. Such notice and service of process may be waived by the defendant, in which case the court may proceed to determine whether the defendant has violated the conditions of suspension.

C. If the court, after hearing, finds good cause to believe that the defendant has violated the terms of suspension, then the court may revoke the suspension and impose a sentence in accordance with the provisions of § 19.2-306.1. The court may again suspend all or any part of this sentence for a period up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned, less any time already served, and may place the defendant upon terms and conditions or probation. The court shall measure the period of any suspension of sentence from the date of the entry of the original sentencing order. However, if a court finds that a defendant has absconded from the jurisdiction of the court, the court may extend the period of probation or suspended sentence for a period not to exceed the length of time that such defendant absconded.

D. If any court has, after hearing, found no cause to impose a sentence that might have been originally imposed, or to revoke a suspended sentence or probation, then any further hearing to impose a sentence or revoke a suspended sentence or probation, based solely on the alleged violation for which the hearing was held, shall be barred.

E. Nothing contained herein shall be construed to deprive any person of his right to appeal in the manner provided by law to the circuit court having criminal jurisdiction from a judgment or order revoking any suspended sentence.

Code 1950, § 53-275; 1958, c. 468; 1970, c. 275; 1975, c. 495; 1978, c. 687; 2002, c. 628; 2016, c. 718; 2021, Sp. Sess. I, c. 538; 2022, cc. 569, 570.

§ 19.2-304. Increasing or decreasing probation period and modification of conditions.

The court may subsequently increase or decrease the probation period and may revoke or modify any condition of probation, but only upon a hearing after reasonable notice to both the defendant and the attorney for the Commonwealth.

Code 1950, § 53-273; 1974, c. 205; 1975, c. 495.

§ 19.2-303.3. Sentence to local community-based probation services; services agency; requirements for participation; sentencing; and removal from probation; payment of costs towards supervision and services.

A. Any offender who is (i) convicted on or after July 1, 1995, of a misdemeanor or a felony that is not a felony act of violence as defined in § 19.2-297.1, and for which the court imposes a total sentence of 12 months or less, and (ii) no younger than 18 years of age or is considered an adult at the time of conviction may be sentenced to a local community-based probation services agency established pursuant to § 9.1-174 by the local governing bodies within that judicial district or circuit.

B. In those courts having electronic access to the Department of Forensic Science DNA data bank sample tracking system within the courtroom, at the time of sentencing, the clerk of court shall determine by reviewing the DNA data bank sample tracking system, in any case where there is a felony or qualifying misdemeanor conviction, whether a sample of the offender's blood, saliva, or tissue or an analysis of the sample is stored in the DNA data bank maintained by the Department of Forensic Science pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of this title. If the clerk has determined that a DNA sample or analysis is not stored in the DNA data bank, or in any case in which electronic access to the DNA data bank sample tracking system is not available in the courtroom, the court shall order that the offender appear within 30 days before the sheriff or community-based probation officer and allow the sheriff or community-based probation officer to take the required sample. The order shall also require that, if the offender has not appeared and allowed the sheriff or community-based probation officer to take the required sample by the date stated in the order, then the sheriff or community-based probation officer shall report to the court the offender's failure to appear and provide the required sample. The court may order the offender placed under local community-based probation services pursuant to § 9.1-174 upon a determination by the court that the offender may benefit from these services and is capable of returning to society as a productive citizen with a reasonable amount of supervision and intervention including services set forth in § 9.1-176. All or part of any sentence imposed that has been suspended, shall be conditioned upon the offender's successful completion of local community-based probation services established pursuant to § 9.1-174.

The court may impose terms and conditions of supervision as it deems appropriate, including that the offender abide by any additional requirements of supervision imposed or established by the local community-based probation services agency during the period of probation supervision.

C. Any sworn officer of a local community-based probation services agency established or operated pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) may seek a capias from any judicial officer for the arrest of any person on local community-based probation and under its supervision for (i) intractable behavior; (ii) refusal to comply with the terms and conditions imposed by the court; (iii) refusal to comply with the requirements of local community-based probation supervision established by the agency; or (iv) the commission of a new offense while on local community-based probation and under agency supervision. Upon arrest, the offender shall be brought for a hearing before the court of appropriate jurisdiction. After finding that the offender (a) exhibited intractable behavior as defined herein; (b) refused to comply with terms and conditions imposed by the court; (c) refused to comply with the requirements of local community-based probation supervision established by the agency; or (d) committed a new offense while on local community-based probation and under agency supervision, the court may revoke all or part of the suspended sentence and supervision, and commit the offender to serve whatever sentence was originally imposed or impose such other terms and conditions of probation as it deems appropriate or, in a case where the proceeding has been deferred, enter an adjudication of guilt and proceed as otherwise provided by law.

"Intractable behavior" is that behavior that, in the determination of the court, indicates an offender's unwillingness or inability to conform his behavior to that which is necessary for successful completion of local community-based probation or that the offender's behavior is so disruptive as to threaten the successful completion of the program by other participants.

D. An offender sentenced to or provided a deferred proceeding and placed on community-based probation pursuant to this section may be required to pay an amount towards the costs of his supervision and services received in accordance with subsection D of § 9.1-182.

1994, 2nd Sp. Sess., cc. 1, 2; 1995, cc. 502, 574; 1999, c. 372; 2000, c. 1040; 2006, c. 883; 2007, cc. 133, 528; 2022, cc. 41, 42.

Code of Virginia
Title 19.2. Criminal Procedure
Chapter 9. Bail and Recognizances

§ 19.2-123. Release of accused on secured or unsecured bond or promise to appear; conditions of release.

A. Any person arrested for a felony who has previously been convicted of a felony, or who is presently on bond for an unrelated arrest in any jurisdiction, or who is on probation or parole, may be released only upon a secure bond. This provision may be waived with the approval of the judicial officer and with the concurrence of the attorney for the Commonwealth or the attorney for the county, city or town. Subject to the foregoing, when a person is arrested for either a felony or a misdemeanor, any judicial officer may impose any one or any combination of the following conditions of release:

1. Place the person in the custody and supervision of a designated person, organization or pretrial services agency which, for the purposes of this section, shall not include a court services unit established pursuant to § 16.1-233;

2. Place restrictions on the travel, association or place of abode of the person during the period of release and restrict contacts with household members for a specified period of time;

2a. Require the execution of an unsecured bond;

3. Require the execution of a secure bond which at the option of the accused shall be satisfied with sufficient solvent sureties, or the deposit of cash in lieu thereof. Only the actual value of any interest in real estate or personal property owned by the proposed surety shall be considered in determining solvency and solvency shall be found if the value of the proposed surety's equity in the real estate or personal property equals or exceeds the amount of the bond;

3a. Require that the person do any or all of the following: (i) maintain employment or, if unemployed, actively seek employment; (ii) maintain or commence an educational program; (iii) avoid all contact with an alleged victim of the crime and with any potential witness who may testify concerning the offense; (iv) comply with a specified curfew; (v) refrain from possessing a firearm, destructive device, or other dangerous weapon; (vi) refrain from excessive use of alcohol, or use of any illegal drug or any controlled substance not prescribed by a health care provider; and (vii) submit to testing for drugs and alcohol until the final disposition of his case;

3b. Place a prohibition on a person who holds an elected constitutional office and who is accused of a felony arising from the performance of his duties from physically returning to his constitutional office;

3c. Require the accused to accompany the arresting officer to the jurisdiction's fingerprinting facility and submit to having his photograph and fingerprints taken prior to release; or

4. Impose any other condition deemed reasonably necessary to assure appearance as required, and to assure his good behavior pending trial, including a condition requiring that the person return to custody after specified hours or be placed on home electronic incarceration pursuant to § 53.1-131.2 or, when the person is required to execute a secured bond, be subject to monitoring by a GPS (Global Positioning System) tracking device, or other similar device. The defendant may be ordered by the court to pay the cost of the device.

Upon satisfaction of the terms of recognizance, the accused shall be released forthwith.

In addition, where the accused is an individual receiving services in a state training center for individuals with intellectual disability, the judicial officer may place the individual in the custody of the director of the training center, if the director agrees to accept custody. The director is hereby authorized to take custody of the individual

and to maintain him at the training center prior to a trial or hearing under such circumstances as will reasonably assure the appearance of the accused for the trial or hearing.

B. In any jurisdiction served by a pretrial services agency which offers a drug or alcohol screening or testing program approved for the purposes of this subsection by the chief general district court judge, any such person charged with a crime may be requested by such agency to give voluntarily a urine sample, submit to a drug or alcohol screening, or take a breath test for presence of alcohol. A sample may be analyzed for the presence of phencyclidine (PCP), barbiturates, cocaine, opiates or such other drugs as the agency may deem appropriate prior to any hearing to establish bail. The judicial officer and agency shall inform the accused or juvenile being screened or tested that test results shall be used by a judicial officer only at a bail hearing and only to determine appropriate conditions of release or to reconsider the conditions of bail at a subsequent hearing. All screening or test results, and any pretrial investigation report containing the screening or test results, shall be confidential with access thereto limited to judicial officers, the attorney for the Commonwealth, defense counsel, other pretrial service agencies, any criminal justice agency as defined in § 9.1-101 and, in cases where a juvenile is screened or tested, the parents or legal guardian or custodian of such juvenile. However, in no event shall the judicial officer have access to any screening or test result prior to making a bail release determination or to determining the amount of bond, if any. Following this determination, the judicial officer shall consider the screening or test results and the screening or testing agency's report and accompanying recommendations, if any, in setting appropriate conditions of release. In no event shall a decision regarding a release determination be subject to reversal on the sole basis of such screening or test results. Any accused or juvenile whose urine sample has tested positive for such drugs and who is admitted to bail may, as a condition of release, be ordered to refrain from use of alcohol or illegal drugs and may be required to be tested on a periodic basis until final disposition of his case to ensure his compliance with the order. Sanctions for a violation of any condition of release, which violations shall include subsequent positive drug or alcohol test results or failure to report as ordered for testing, may be imposed in the discretion of the judicial officer and may include imposition of more stringent conditions of release, contempt of court proceedings, or revocation of release. Any report of a violation of any pretrial condition of release provided to the court shall be sent by the pretrial services agency to the attorney for the Commonwealth and the counsel of record for the accused or juvenile, or directly to the accused or juvenile if such person is not represented by counsel. Any test given under the provisions of this subsection which yields a positive drug or alcohol test result shall be reconfirmed by a second test if the person tested denies or contests the initial drug or alcohol test positive result. The results of any drug or alcohol test conducted pursuant to this subsection shall not be admissible in any judicial proceeding other than for the imposition of sanctions for a violation of a condition of release.

C. [Repealed.]

D. Nothing in this section shall be construed to prevent an officer taking a juvenile into custody from releasing that juvenile pursuant to § 16.1-247. If any condition of release imposed under the provisions of this section is violated, a judicial officer may issue a capias or order to show cause why the recognizance should not be revoked.

E. Nothing in this section shall be construed to prevent a court from imposing a recognizance or bond designed to secure a spousal or child support obligation pursuant to § 16.1-278.16, Chapter 5 (§ 20-61 et seq.) of Title 20, or § 20-114 in addition to any recognizance or bond imposed pursuant to this chapter.

Code 1950, § 19.1-109.2; 1973, c. 485; 1975, c. 495; 1978, cc. 500, 755; 1979, c. 518; 1981, c. 528; 1984, c. 707; 1989, c. 369; 1991, cc. 483, 512, 581, 585; 1992, c. 576; 1993, c. 636; 1999, cc. 829, 846; 2000, cc. 885, 1020, 1041; 2001, c. 201; 2006, c. 296; 2008, cc. 129, 884; 2011, cc. 799, 837; 2012, cc. 476, 507; 2013, c. 614; 2014, c. 466; 2024, c. 74.

§ 19.2-132. Motion to increase amount of bond fixed by judicial officer; when bond may be increased.

A. If the amount of any bond fixed by a judicial officer is subsequently deemed insufficient, or the security taken inadequate, or if it appears that bail should have been denied or that the person has violated a term or condition of his release, or has been convicted of or arrested for a felony or misdemeanor, the attorney for the Commonwealth of the county or city in which the person is held for trial may, on reasonable notice to the person and, if such person has been admitted to bail, to any surety on the bond of such person, move the appropriate judicial officer to increase the amount of such bond or to revoke bail. The court may grant such motion and may require new or additional sureties therefor, or both, or revoke bail. Any surety in a bond for the appearance of such person may take from his principal collateral or other security to indemnify such surety against liability. The failure to notify the surety will not prohibit the court from proceeding with the bond hearing.

The court ordering any increase in the amount of such bond, ordering new or additional sureties, or both, or revoking such bail may, upon appeal, and for good cause shown, stay execution of such order for so long as reasonably practicable for such person to obtain an expedited hearing before the court to which such order has been appealed.

B. Any motion filed pursuant to subsection A where the initial bail decision is made by a judge or clerk of a district court or by a magistrate on any charge originally pending in that district court shall be filed in that district court unless (i) a bail decision is on appeal, (ii) such charge has been transferred pursuant to § 16.1-269.1 to a circuit court, or (iii) such charge has been certified by a district court.

Code 1950, § 19.1-120; 1960, c. 366; 1975, c. 495; 1978, c. 755; 1989, c. 519; 1991, c. 581; 1999, cc. 829, 846; 2010, cc. 404, 592; 2013, cc. 408, 474; 2019, c. 616.

§ 19.2-135. Commitment for trial; recognizance; notice to attorney for Commonwealth; remand on violation of condition.

When a judicial officer considers that there is sufficient cause for charging the accused or juvenile taken into custody pursuant to § 16.1-246 with a felony, unless it be a case wherein it is otherwise specially provided, the commitment shall be for trial or hearing. Any recognizance taken of the accused or juvenile shall be upon the following conditions: (1) that he appear to answer for the offense with which he is charged before the court or judge before whom the case will be tried at such time as may be stated in the recognizance and at any time or times to which the proceedings may be continued and before any court or judge thereafter in which proceedings on the charge are held; (2) that he shall not depart from the Commonwealth unless the judicial officer taking recognizance or a court in a subsequent proceeding specifically waives such requirement; and (3) that he shall keep the peace and be of good behavior until the case is finally disposed of. Every such recognizance shall also include a waiver such as is required by § 49-12 in relation to the bonds therein mentioned and though such waiver be not expressed in the recognizance it shall be deemed to be included therein in like manner and with the same effect as if it was so expressed. The judge shall return to the clerk of the court wherein the accused or juvenile is to be tried, or the case be heard as soon as may be, a certificate of the nature of the offense, showing whether the accused or juvenile was committed to jail or recognized for his appearance; and the clerk, as soon as may be, shall inform the attorney for the Commonwealth of such certificate.

The court may, in its discretion, in the event of a violation of any condition of a recognizance taken pursuant to this section, remand the principal to jail until the case is finally disposed of, and if the principal is remanded to jail, the surety is discharged from liability.

When a recognizance is taken of a witness in a case against an accused or juvenile, the condition thereof shall be that he appear to give evidence in such case and that he shall not depart from the Commonwealth without the leave of such court or judge.

Code 1950, §§ 19.1-125, 19.1-128, 19.1-133; 1960, c. 366; 1968, c. 639; 1975, c. 495; 1977, c. 287; 1978, c. 755; 1979, c. 735; 1988, c. 688; 1992, c. 576.

§ 16.1-69.24. Contempt of court.

A. A judge of a district court shall have the same powers and jurisdiction as a judge of a circuit court to punish summarily for contempt, but in no case shall the fine exceed $250 and imprisonment exceed 10 days for the same contempt. From any such fine or sentence, there shall be an appeal of right within the period prescribed in this title and to the court or courts designated therein for appeals in other cases, and the proceedings on such appeal shall conform in all respects to the provisions of §§ 18.2-456 through 18.2-459.

B. Any person charged with a felony offense, misdemeanor offense, or released on a summons pursuant to § 19.2-73 or 19.2-74 who fails to appear before any court or judicial officer as required shall not be punished for contempt under this provision but may be punished for such contempt under subdivision A 6 of § 18.2-456.

1972, c. 708; 1973, c. 546; 2000, cc. 164, 185; 2019, c. 708.

Article 5. Contempt of Court

§ 18.2-456. Cases in which courts and judges may punish summarily for contempt

A. The courts and judges may issue attachments for contempt, and punish them summarily, only in the following cases:

1. Misbehavior in the presence of the court, or so near thereto as to obstruct or interrupt the administration of justice;

2. Violence, or threats of violence, to a judge or officer of the court, or to a juror, witness, or party going to, attending, or returning from the court, for or in respect of any act or proceeding had, or to be had, in such court;

3. Vile, contemptuous, or insulting language addressed to or published of a judge for or in respect of any act or proceeding had, or to be had, in such court, or like language used in his presence and intended for his hearing for or in respect of such act or proceeding;

4. Misbehavior of an officer of the court in his official character;

5. Disobedience or resistance of an officer of the court, juror, witness, or other person to any lawful process, judgment, decree, or order of the court; and

6. Willful failure to appear before any court or judicial officer as required after having been charged with a felony offense or misdemeanor offense or released on a summons pursuant to § 19.2-73 or 19.2-74.

B. The judge shall indicate, in writing, under which subdivision in subsection A a person is being charged and punished for contempt.

C. Nothing in subdivision A 6 shall be construed to prohibit prosecution under § 19.2-128. The provisions of subdivision A 6 shall not apply to any person who is (i) incarcerated in any correctional facility or (ii) (a) detained in any state or federal facility or (b) in the custody of a law-enforcement officer at the time such person is required to appear before any court or judicial officer.

Code 1950, § 18.1-292; 1960, c. 358; 1975, cc. 14, 15; 2019, c. 708; 2024, c. 109.

§ 18.2-457. Fine and imprisonment by court limited unless jury impaneled

No court shall, without a jury, for any such contempt as is mentioned in the first class embraced in § 18.2-456, impose a fine exceeding $250 or imprison more than ten days; but in any such case the court may, without an indictment, information or any formal pleading, impanel a jury to ascertain the fine or imprisonment proper to be inflicted and may give judgment according to the verdict.

Code 1950, § 18.1-295; 1960, c. 358; 1975, cc. 14, 15; 1999, c. 626.

§ 18.2-458. Power of judge of district court to punish for contempt

A judge of a district court shall have the same power and jurisdiction as a judge of a circuit court to punish summarily for contempt, but in no case shall the fine exceed $250, or the imprisonment exceed ten days, for the same contempt.

Code 1950, § 18.1-293; 1960, c. 358; 1975, cc. 14, 15; 1999, c. 626.

§ 18.2-459. Appeal from sentence of such judge

Any person sentenced to pay a fine, or to confinement, under § 18.2-458, may appeal therefrom to the circuit court of the county or city in which the sentence was pronounced, upon entering into recognizance before the sentencing judge, with surety and in penalty deemed sufficient, to appear before such circuit court to answer for the offense. If such appeal be taken, a certificate of the conviction and the particular circumstances of the offense, together with the recognizance, shall forthwith be transmitted by the sentencing judge to the clerk of such circuit court, who shall immediately deliver the same to the judge thereof. Such judge, sitting without a jury, shall hear the case upon the certificate and any legal testimony adduced on either side, and make such order therein as may seem to him proper.

Code 1950, § 18.1-294; 1960, c. 358; 1975, cc. 14, 15; 2013, c. 615.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 16.1-278. Cooperation of certain agencies, officials, institutions and associations.

A. The judge may order, after notice and opportunity to be heard, any state, county or municipal officer or employee or any governmental agency or other governmental institution to render only such information, assistance, services and cooperation as may be provided for by state or federal law or an ordinance of any city, county or town.

The officer, employee, agency or institution may appeal such order to the circuit court in accordance with § 16.1-296. The circuit court shall advance such appeals on its docket and may stay the order of the juvenile court during the pendency of the appeal. The circuit court may affirm or reverse the order of the juvenile court. Upon reversal, the circuit court may remand the case to the juvenile court for an alternative disposition.

B. The court is authorized to cooperate with and make use of the services of all public or private societies or organizations which seek to protect or aid children or families, in order that the court may be assisted in giving the children and families within its jurisdiction such care, protection and assistance as will best enhance their welfare.

Code 1950, § 16.1-156; 1956, c. 555; 1977, c. 559; 1980, c. 245.

§ 18.2-271.1. Probation, education, and rehabilitation of person charged or convicted; person convicted under law of another state or federal law.

A. Any person convicted of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, shall be required by court order, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district upon such terms and conditions as the court may set forth. However, upon motion of a person convicted of any such offense following an assessment of the person conducted by an alcohol safety action program, the court, for good cause, may decline to order participation in such a program if the assessment by the alcohol safety action program indicates that intervention is not appropriate for such person. In no event shall such persons be permitted to enter any such program which is not certified as meeting minimum standards and criteria established by the Commission on the Virginia Alcohol Safety Action Program (VASAP) pursuant to this section and to § 18.2-271.2. However, any person charged with a violation of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, may, at any time prior to trial, enter into an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district. Any person who enters into such program prior to trial may pre-qualify with the program to have an ignition interlock system installed on any motor vehicle owned or operated by him. However, no ignition interlock company shall install an ignition interlock system on any such vehicle until a court issues to the person a restricted license with the ignition interlock restriction.

B. The court shall require the person entering such program under the provisions of this section to pay a fee of no less than $250 but no more than $300. A reasonable portion of such fee, as may be determined by the Commission on VASAP, but not to exceed 10 percent, shall be forwarded monthly to be deposited with the State Treasurer for expenditure by the Commission on VASAP, and the balance shall be held in a separate fund for local administration of driver alcohol rehabilitation programs. Upon a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention under any such program may be charged.

C. Upon conviction of a violation of § 18.2-266 or any ordinance of a county, city or town similar to the provisions thereof, or subsection A of § 46.2-341.24, the court shall impose the sentence authorized by § 18.2-270 or 46.2-341.28 and the license revocation as authorized by § 18.2-271. In addition, if the conviction was for a second offense committed within less than 10 years after a first such offense, the court shall order that restoration of the person's license to drive be conditioned upon the installation of an ignition interlock system on each motor vehicle, as defined in § 46.2-100, owned by or registered to the person, in whole or in part, for a period of six months beginning at the end of the three year license revocation, unless such a system has already been installed for six months prior to that time pursuant to a restricted license order under subsection E. Upon a finding that a person so convicted is required to participate in the program described herein, the court shall enter the conviction on the warrant, and shall note that the person so convicted has been referred to such program. The court may then proceed to issue an order in accordance with subsection E, if the court finds that the person so convicted is eligible for a restricted license. If the court finds good cause for a person not to participate in such program or subsequently that such person has violated, without good cause, any of the conditions set forth by the court in entering the program, the court shall dispose of the case as if no program had been entered, in which event the revocation provisions of § 46.2-389 and subsection A of § 46.2-391 shall be applicable to the conviction. The court shall, upon final disposition of the case, send a copy of its order to the Commissioner of the Department of Motor Vehicles. If such order provides for the issuance of a restricted license, the Commissioner of the Department of Motor Vehicles, upon receipt thereof, shall issue a

restricted license. The period of time during which the person (i) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system, (ii) is required to have an ignition interlock system installed on each motor vehicle owned by or registered to the person, in whole or in part, or (iii) is required to use a remote alcohol monitoring device shall be calculated from the date the person is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department of Motor Vehicles. Appeals from any such disposition shall be allowed as provided by law. The time within which an appeal may be taken shall be calculated from the date of the final disposition of the case or any motion for rehearing, whichever is later.

D. Any person who has been convicted under the law of another state or the United States of an offense substantially similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24, and whose privilege to operate a motor vehicle in this Commonwealth is subject to revocation under the provisions of § 46.2-389 and subsection A of § 46.2-391, may petition the general district court of the county or city in which he resides that he be given probation and assigned to a program as provided in subsection A and that, upon entry into such program, he be issued an order in accordance with subsection E. If the court finds that such person would have qualified therefor if he had been convicted in this Commonwealth of a violation of § 18.2-266 or subsection A of § 46.2-341.24, the court may grant the petition and may issue an order in accordance with subsection E as to the period of license suspension or revocation imposed pursuant to § 46.2-389 or subsection A of § 46.2-391. The court (i) shall, as a condition of a restricted license, prohibit such person from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for a period of time not to exceed the period of license suspension and restriction, not less than six consecutive months without alcohol-related violations of interlock requirements, and (ii) may, upon request of such person and as a condition of a restricted license, require such person to use a remote alcohol monitoring device in accordance with the provisions of subsection E of § 18.2-270.1. Such order shall be conditioned upon the successful completion of a program by the petitioner. If the court subsequently finds that such person has violated any of the conditions set forth by the court, the court shall dispose of the case as if no program had been entered and shall notify the Commissioner, who shall revoke the person's license in accordance with the provisions of § 46.2-389 or subsection A of § 46.2-391. A copy of the order granting the petition or subsequently revoking or suspending such person's license to operate a motor vehicle shall be forthwith sent to the Commissioner of the Department of Motor Vehicles. The period of time during which the person (a) is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system or (b) is required to use a remote alcohol monitoring device shall be calculated from the date the person is issued a restricted license by the court; however, such period of time shall be tolled upon the expiration of the restricted license issued by the court until such time as the person is issued a restricted license by the Department of Motor Vehicles.

No period of license suspension or revocation shall be imposed pursuant to this subsection which, when considered together with any period of license suspension or revocation previously imposed for the same offense under the law of another state or the United States, results in such person's license being suspended for a period in excess of the maximum periods specified in this subsection.

E. Except as otherwise provided herein, if a person enters a certified program pursuant to this section, and such person's license to operate a motor vehicle, engine, or train in the Commonwealth has been suspended or revoked, or a person's license to operate a motor vehicle, engine, or train in the Commonwealth has been suspended or revoked pursuant to former § 18.2-259.1 or 46.2-390.1, the court may, in its discretion and for good cause shown, provide that such person be issued a restricted permit to operate a motor vehicle for any of the following purposes: (i) travel to and from his place of employment; (ii) travel to and from an alcohol rehabilitation or safety action program; (iii) travel during the hours of such person's employment if the operation of a motor vehicle is a necessary incident of such employment; (iv) travel to and from school if such person is a student, upon proper written verification to the court that such person is enrolled in a continuing program of education; (v) travel for health care services, including medically necessary transportation of an elderly parent or, as designated by the court, any person residing in the person's household with a serious medical problem upon written verification of need by a licensed health professional; (vi) travel necessary to transport a minor child under the care of such person to and from school, day care, and facilities housing medical service providers; (vii) travel to and from court-ordered visitation with a child of

such person; (viii) travel to a screening, evaluation, and education program entered pursuant to § 18.2-251 or subsection H of § 18.2-258.1; (ix) travel to and from court appearances in which he is a subpoenaed witness or a party and appointments with his probation officer and to and from any programs required by the court or as a condition of probation; (x) travel to and from a place of religious worship one day per week at a specified time and place; (xi) travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in an administrative or court-ordered intensive case monitoring program for child support for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment, on his person; (xii) travel to and from jail to serve a sentence when such person has been convicted and sentenced to confinement in jail and pursuant to § 53.1-131.1 the time to be served is on weekends or nonconsecutive days; (xiii) travel to and from the facility that installed or monitors the ignition interlock in the person's vehicle; (xiv) travel to and from a job interview for which he maintains on his person written proof from the prospective employer of the date, time, and location of the job interview; or (xv) travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment. However, (a) any such person who is eligible to receive a restricted license as provided in subsection C of § 18.2-270.1 or (b) any such person ordered to use a remote alcohol monitoring device pursuant to subsection E of § 18.2-270.1 who has a functioning, certified ignition interlock system as required by law may be issued a restricted permit to operate a motor vehicle for any lawful purpose. No restricted license issued pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall order the surrender of such person's license to operate a motor vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify such person. The court shall also provide a copy of its order to the person so convicted who may operate a motor vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license, if the order provides for a restricted license for that time period. A copy of such order and, after receipt thereof, the restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section is guilty of a violation of § 18.2-272. Such restricted license shall be conditioned upon enrollment within 15 days in, and successful completion of, a program as described in subsection A. No restricted license shall be issued during the first four months of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within 10 years of a first such offense. No restricted license shall be issued during the first year of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described therein committed within five years of a first such offense. No restricted license shall be issued during any revocation period imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391. Notwithstanding the provisions of § 46.2-411, the fee charged pursuant to § 46.2-411 for reinstatement of the driver's license of any person whose privilege or license has been suspended or revoked as a result of a violation of § 18.2-266, subsection A of § 46.2-341.24 or of any ordinance of a county, city, or town, or of any federal law or the laws of any other state similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24 shall be $105. Forty dollars of such reinstatement fee shall be retained by the Department of Motor Vehicles as provided in § 46.2-411, $40 shall be transferred to the Commission on VASAP, and $25 shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund. Any person who is otherwise eligible to receive a restricted license issued in accordance with this subsection or as otherwise provided by law shall not be required to pay in full his fines and costs, as defined in § 19.2-354.1, before being issued such restricted license.

F. The court shall have jurisdiction over any person entering such program under any provision of this section, or under any provision of § 46.2-392, until such time as the case has been disposed of by either successful completion of the program, or revocation due to ineligibility or violation of a condition or conditions imposed by the court, whichever shall first occur. Revocation proceedings shall be commenced by notice to show cause why the court should not revoke the privilege afforded by this section. Such notice shall be made by first-class mail to the last known address of such person, and shall direct such person to appear before the court in response thereto on a date contained in such notice, which shall not be less than 10 days from the date of mailing of the notice. Failure to

appear in response to such notice shall of itself be grounds for revocation of such privilege. Notice of revocation under this subsection shall be sent forthwith to the Commissioner of the Department of Motor Vehicles.

G. For the purposes of this section, any court that has convicted a person of a violation of § 18.2-266, subsection A of § 46.2-341.24, any ordinance of a county, city, or town similar to the provisions of § 18.2-266, or any reckless driving violation under Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 and such person was initially charged with a violation of § 18.2-266, subsection A of § 46.2-341.24, or any ordinance of a county, city, or town similar to the provisions of § 18.2-266 shall have continuing jurisdiction over such person during any period of license revocation related to that conviction, for the limited purposes of (i) referring such person to a certified alcohol safety action program, (ii) providing for a restricted permit for such person in accordance with the provisions of subsection E, and (iii) imposing terms, conditions and limitations for actions taken pursuant to clauses (i) and (ii), whether or not it took either such action at the time of the conviction. This continuing jurisdiction is subject to the limitations of subsection E that provide that no restricted license shall be issued during a revocation imposed pursuant to subsection C of § 18.2-271 or subsection B of § 46.2-391 or during the first four months or first year, whichever is applicable, of the revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391. The provisions of this subsection shall apply to a person convicted of a violation of § 18.2-266, subsection A of § 46.2-341.24, any ordinance of a county, city, or town similar to the provisions of § 18.2-266, or any reckless driving violation under Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 and such person was initially charged with a violation of § 18.2-266, subsection A of § 46.2-341.24, or any ordinance of a county, city, or town similar to the provisions of § 18.2-266 on, after and at any time prior to July 1, 2003.

H. The State Treasurer, the Commission on VASAP or any city or county is authorized to accept any gifts or bequests of money or property, and any grant, loan, service, payment or property from any source, including the federal government, for the purpose of driver alcohol education. Any such gifts, bequests, grants, loans or payments shall be deposited in the separate fund provided in subsection B.

I. The Commission on VASAP, or any county, city, or town, or any combination thereof, may establish and, if established, shall operate, in accordance with the standards and criteria required by this subsection, alcohol safety action programs in connection with highway safety. Each such program shall operate under the direction of a local independent policy board. Such local independent policy board shall be chosen in accordance with procedures approved and promulgated by the Commission on VASAP. Such procedures shall provide that the board shall endeavor to select one criminal defense attorney who has specialized knowledge in representing persons charged with driving while intoxicated offenses and one local attorney for the Commonwealth to sit on such local independent policy board. Local sitting or retired district court judges who regularly hear or heard cases involving driving under the influence and are familiar with their local alcohol safety action programs may serve on such boards. The Commission on VASAP shall establish minimum standards and criteria for the implementation and operation of such programs and shall establish procedures to certify all such programs to ensure that they meet the minimum standards and criteria stipulated by the Commission. The Commission shall also establish criteria for the administration of such programs for public information activities, for accounting procedures, for the auditing requirements of such programs and for the allocation of funds. Funds paid to the Commonwealth hereunder shall be utilized in the discretion of the Commission on VASAP to offset the costs of state programs and local programs run in conjunction with any county, city or town and costs incurred by the Commission. The Commission shall submit an annual report as to actions taken at the close of each calendar year to the Governor and the General Assembly.

J. Notwithstanding any other provisions of this section or of § 18.2-271, nothing in this section shall permit the court to suspend, reduce, limit, or otherwise modify any disqualification from operating a commercial motor vehicle imposed under the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

1975, c. 601; 1976, cc. 612, 691; 1977, c. 240; 1978, c. 352; 1979, c. 353; 1980, c. 589; 1981, c. 195; 1982, c. 301; 1983, c. 504; 1984, c. 778; 1986, cc. 552, 590; 1987, cc. 465, 663; 1988, cc. 781, 858, 859, 888; 1989, c. 705; 1990, c. 949; 1991, cc. 131, 491; 1992, c. 559; 1993, cc. 527, 919; 1994, cc. 359, 363, 870; 1996, c. 984; 1997, cc. 472, 508; 1998, c. 703; 1999, c. 743; 2000, cc. 958, 970, 980; 2001, cc. 182, 645, 779; 2002, c. 806; 2003, c. 290; 2004,

c. 720; 2007, cc. 194, 553; 2009, c. 295; 2010, cc. 446, 682; 2011, c. 592; 2012, cc. 141, 570; 2014, c. 707; 2015, cc. 506, 729; 2017, cc. 499, 701; 2020, c. 1007; 2021, Sp. Sess. I, cc. 336, 376; 2023, cc. 561, 562.

§ 8.01-508. How debtor may be arrested and held to answer.

If any person summoned under § 8.01-506 fails to appear and answer, or makes any answers which are deemed by the commissioner or court to be evasive, or if, having answered, fails to make such conveyance and delivery as is required by § 8.01-507, the commissioner or court shall issue (i) a capias directed to any sheriff requiring such sheriff to take the person in default and deliver him to the commissioner or court so that he may be compelled to make proper answers, or such conveyance or delivery, as the case may be or (ii) a rule to show cause why the person summoned should not appear and make proper answer or make conveyance and delivery. If the person in default fails to answer or convey and deliver he may be incarcerated until he makes such answers or conveyance and delivery. Where a capias is issued, the person in default shall be admitted to bail as provided in Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 if he cannot be brought promptly before the commissioner or court in the county or city to which the capias is returnable. Upon making such answers, or such conveyance and delivery, he shall be discharged by the commissioner or the court. He may also be discharged by the court from whose clerk's office the capias issued in any case where the court is of the opinion that he was improperly committed or is improperly or unlawfully detained in custody. If the person in default appeals the decision of the commissioner or court, he shall be admitted to bail as provided in Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2.

If the person held for failure to appear and answer interrogatories is detained in a jurisdiction other than that where the summons is issued, the sheriff in the requesting jurisdiction shall have the duty to transport such person to the place where interrogatories are to be taken.

Code 1950, § 8-438; 1977, c. 617; 1983, c. 278; 1985, c. 290; 1986, c. 326; 1999, cc. 829, 846.

§ 8.01-519. Proceedings where garnishee fails to appear or answer, or to disclose his liability.

If the garnishee, after being served with the summons, fail to appear or answer personally, or if it be suggested that he has not fully disclosed his liability, the proceedings shall be according to §§ 8.01-564 and 8.01-565, mutatis mutandis, except that when the summons is before a general district court, the court shall proceed without a jury.

Code 1950, § 8-447; 1977, c. 617.

§ 8.01-564. Procedure when codefendant fails to appear.

If the attachment be served on a defendant who the petition alleges is indebted to, or has in his possession effects of, the principal defendant, and he fail to appear, the court may either compel him to appear, or hear proof of any debt owing by him, or of effects in his hands belonging to a principal defendant in such attachment, and make such orders in relation thereto as if what is so proved had appeared on his examination.

Code 1950, § 8-552; 1977, c. 617.

§ 8.01-565. Suggestion that codefendant has not made full disclosure.

When it is suggested by the plaintiff in any attachment that a codefendant has not fully disclosed the debts owing by him, or effects in his hands belonging to the principal defendant in such attachment, the court, without any formal pleading, shall inquire as to such debts and effects, or, if either party demand, it shall cause a jury to be impaneled for that purpose, and proceed in respect to any such debts or effects found by the court or the jury in the same manner as if they had been confessed by such codefendant. If the judgment of the court or verdict of the jury be in favor of such codefendant, he shall have judgment for his costs against the plaintiff.

Code 1950, § 8-553; 1977, c. 617.

§ 16.1-278.16. Failure to comply with support obligation; payroll deduction; commitment.

In cases involving (i) the custody, visitation, or support of a child arising under subdivision A 3 of § 16.1-241, (ii) spousal support arising under subsection L of § 16.1-241, (iii) support, maintenance, care, and custody of a child or support and maintenance of a spouse transferred to the juvenile and domestic relations district court pursuant to § 20-79, or (iv) motions to enforce administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, when the court finds that the respondent (a) has failed to perform or comply with a court order concerning the custody and visitation of a child or a court or administrative order concerning the support and maintenance of a child or a court order concerning the support and maintenance of a spouse or (b) under existing circumstances, is under a duty to render support or additional support to a child or pay the support and maintenance of a spouse, the court may order a payroll deduction as provided in § 20-79.1, or the giving of a recognizance as provided in § 20-114. If the court finds that the respondent has failed to perform or comply with such order, and personal or substitute service has been obtained, the court may issue a civil show cause summons or a capias pursuant to this section. The court also may order the commitment of the person as provided in § 20-115 or the court may, in its discretion, impose a sentence of up to 12 months in jail, notwithstanding the provisions of §§ 16.1-69.24 and 18.2-458, relating to punishment for contempt. If the court finds that an employer, who is under a payroll deduction order pursuant to § 20-79.1, has failed to comply with such order after being given a reasonable opportunity to show cause why he failed to comply with such order, then the court may proceed to impose sanctions on the employer pursuant to subdivision B 9 of § 20-79.3.

1991, c. 534; 2003, cc. 929, 942; 2004, c. 219; 2020, c. 722.

§ 16.1-69.24. Contempt of court.

A. A judge of a district court shall have the same powers and jurisdiction as a judge of a circuit court to punish summarily for contempt, but in no case shall the fine exceed $250 and imprisonment exceed 10 days for the same contempt. From any such fine or sentence, there shall be an appeal of right within the period prescribed in this title and to the court or courts designated therein for appeals in other cases, and the proceedings on such appeal shall conform in all respects to the provisions of §§ 18.2-456 through 18.2-459.

B. Any person charged with a felony offense, misdemeanor offense, or released on a summons pursuant to § 19.2-73 or 19.2-74 who fails to appear before any court or judicial officer as required shall not be punished for contempt under this provision but may be punished for such contempt under subdivision A 6 of § 18.2-456.

1972, c. 708; 1973, c. 546; 2000, cc. 164, 185; 2019, c. 708.

§ 19.2-358. Procedure on default in deferred payment or installment payment of fine, costs, forfeiture, restitution or penalty.

A. When an individual obligated to pay a fine, costs, forfeiture, or penalty defaults in the payment or any installment payment, the court upon the motion of the Commonwealth in the case of a conviction of a violation of a state law, or attorney for a locality or for the Commonwealth in the event of a conviction of a violation of a local law or ordinance, or upon its own motion, may require him to show cause why he should not be confined in jail or fined for nonpayment. A show cause proceeding shall not be required prior to issuance of a capias if an order to appear on a date certain in the event of nonpayment was issued pursuant to subsection A of § 19.2-354 and the defendant failed to appear.

B. Following the order to show cause or following a capias issued for a defendant's failure to comply with a court order to appear issued pursuant to subsection A of § 19.2-354, unless the defendant shows that his default for the payment of fines, costs, forfeitures, or penalties was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, or unless the defendant shows that any failure to appear was not attributable to an intentional refusal to obey the order of the court, the court may order the defendant confined as for a contempt for a term not to exceed sixty days or impose a fine not to exceed $500. The court may provide in its order that payment or satisfaction of the amounts in default for the payment of fines, costs, forfeitures, or penalties at any time will entitle the defendant to his release from such confinement or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such amounts.

C. If it appears that the default for the payment of fines, costs, forfeitures, or penalties is excusable under the standards set forth in subsection B, the court may enter an order allowing the defendant additional time for payment, reducing the amount due or of each installment, or remitting the unpaid portion in whole or in part.

D. When an individual obligated to pay restitution defaults in the payment or any installment payment, the court upon the motion of the Commonwealth in the case of a conviction of a violation of a state law, or attorney for a locality or for the Commonwealth in the event of a conviction of a violation of a local law or ordinance, or upon its own motion, may proceed in accordance with the procedures set forth in subsection E.

E. If, pursuant to subsection D or at a hearing conducted pursuant to subsection F of § 19.2-305.1, the court finds that a defendant is not in compliance with a restitution order, the court may order the defendant confined as for a contempt for a term not to exceed 60 days unless the defendant shows that his default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, or unless the defendant shows that any failure to appear was not attributable to an intentional refusal to obey the order of the court. The court may provide in its order that payment or satisfaction of the amounts in default at any time will entitle the defendant to his release from such confinement or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such amounts. If it appears that the defendant's default for the payment of restitution is excusable under the standards set forth in this subsection, the court may modify the terms for payment of restitution, except that the court may not modify the amount of restitution owed by the defendant.

F. Nothing in this section shall be deemed to alter or interfere with the collection of fines by any means authorized for the enforcement of money judgments rendered in favor of the Commonwealth or any locality within the Commonwealth.

Code of Virginia
Title 19.2. Criminal Procedure
Chapter 9. Bail and Recognizances

§ 19.2-128. Penalties for failure to appear.

A. Whoever, having been released pursuant to this chapter or § 19.2-319 or on a summons pursuant to § 19.2-73 or § 19.2-74, willfully fails to appear before any court or judicial officer as required, shall, after notice to all interested parties, incur a forfeiture of any security which may have been given or pledged for his release, unless one of the parties can show good cause for excusing the absence, or unless the court, in its sound discretion, shall determine that neither the interests of justice nor the power of the court to conduct orderly proceedings will be served by such forfeiture.

B. Any person (i) charged with a felony offense or (ii) convicted of a felony offense and execution of sentence is suspended pursuant to § 19.2-319 who willfully fails to appear before any court as required shall be guilty of a Class 6 felony.

C. Any person (i) charged with a misdemeanor offense or (ii) convicted of a misdemeanor offense and execution of sentence is suspended pursuant to § 19.2-319 who willfully fails to appear before any court as required shall be guilty of a Class 1 misdemeanor.

Code 1950, § 19.1-109.7; 1973, c. 485; 1975, c. 495; 1981, c. 382; 1982, c. 271; 1999, c. 821.

Code of Virginia
Title 19.2. Criminal Procedure
Chapter 9. Bail and Recognizances

§ 19.2-129. Power of court to punish for contempt.

Nothing in this chapter shall interfere with or prevent the exercise by any court of the Commonwealth of its power to punish for contempt, except that a person shall not be sentenced for contempt and under the provisions of § 19.2-128 for the same absence.

Code 1950, § 19.1-109.8; 1973, c. 485; 1975, c. 495.