

**REPORT OF THE
OFFICE OF THE EXECUTIVE SECRETARY
SUPREME COURT OF VIRGINIA**

**A STUDY OF REQUIRED
PERSONAL COURT
APPEARANCES FOR MINOR
NONTRAFFIC OFFENSES**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 34

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RICHMOND
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MEMORANDUM

December 10, 1999

TO: The Honorable James S. Gilmore, III
Governor of Virginia

And

The General Assembly of Virginia

The 1999 General Assembly, through Item 22(G) of Chapter 935, requested that the Office of the Executive Secretary of the Supreme Court of Virginia study the statutory requirements which require a personal appearance in court for nontraffic offenses and make recommendations about reducing the number of those offenses which require a personal appearance. Enclosed for your review and consideration is the report which has been prepared in response to this request.

Respectfully submitted,



Robert N. Baldwin
Executive Secretary

I. Executive Summary

A. Authority for the Study

Item 22 (G) of the current budget act, 1999 ACTS OF ASSEMBLY, ch. 935, directs the Supreme Court of Virginia to

examine the statutory requirements regarding those civil offenses which require a personal appearance in court, and recommend such action by the General Assembly as may seem appropriate to reduce the number of such offenses which require such personal appearance.

The Code of Virginia provides that, within certain categories of offenses, the Supreme Court may designate by rule those traffic infractions and nontraffic offenses, “for which a pretrial waiver of appearance, plea of guilty and fine payment may be accepted.” Va. Code §§ 16.1-69.40:1, -69.40:2. Since a defendant’s liability to the criminal justice system for one of these offenses may be discharged by the pretrial payment of a set fine, these offenses are colloquially referred to as “prepayable offenses.”

In response to this legislative charge, the Office of the Executive Secretary of the Supreme Court has reviewed the statutory criteria for designating nontraffic offenses as prepayable offenses, identified the more common nontraffic offenses eligible for designation as prepayable offenses, and formulated a list of principles reflecting prior recommendations for the designation of prepayable offenses.

B. Recommendations

The Office of the Executive Secretary will present to the Committee on District Courts a list of nontraffic offenses eligible for designation as prepayable offenses, with recommendations as to which offenses should be made prepayable, and will advise the Committee to recommend to the Supreme Court that additional nontraffic offenses be designated as prepayable offenses.

II. Introduction

The statutory authorization of the creation of prepayable offenses represents a legislative determination that certain classes or types of violations are not serious enough to require a personal appearance in court by the defendant. Prepayable offenses are, in effect, standing plea bargains on the part of the Commonwealth to every defendant charged with an offense which has been designated as prepayable. All such defendants have the option to elect to waive trial, to plead guilty to the designated offense, and to pay the set fine and court costs.

From the perspective of the administration of the district court system, the establishment of prepayable offenses serves a number of related salutary purposes. Most important, the designation of offenses as prepayable permits a significant number of citizens to avoid the inconvenience of having to make personal appearances in court for what have been legislatively determined to be comparatively minor offenses. Since the district courts in Virginia process many thousands of prepayments for minor traffic infractions and nontraffic offenses each year, this represents a meaningful savings of time for many, many citizens. Consequently, eliminating the need for a significant number of citizens to appear in court appreciably reduces the size of court dockets. This, in turn, enables the courts to be more efficient and, further, makes court appearances less inconvenient for those defendants whose offenses do require their personal appearance in court.

Finally, the designation of prepayable offenses is a boon to the collection of fines and costs for the Commonwealth. With the mandatory acceptance of personal checks and credit cards in the district courts, it becomes even easier for the relatively minor offender to literally “pay his debt to society.” A prepayment may be made not only in person, but also by telephone through the use of a credit card and by mail through the use of a personal check or a credit card. See DISTRICT COURT MANUAL, pp. VIII-9 through VIII-14 (1999 edition). Since many of the prepayable offenses involve activities such as driving, hunting and fishing, which may not be committed in the offender’s home jurisdiction — and are often committed by offenders who do not reside in Virginia — the prepayment system allows for the collection of fines and costs in instances where the minor offender otherwise may well have chosen simply not to appear in court. The collection of fines and costs from defendants tried and convicted *in absentia* is much more difficult and appreciably more costly for the Commonwealth than is the collection of prepayments for fines and costs.

III. The Creation of Prepayable Offenses

Section 16.1-69.40:2 of the Code of Virginia provides the authorization and the mechanism for the designation of nontraffic offenses as prepayable offenses.¹ As a part of its rule-making authority, the Supreme Court of Virginia “shall . . . designate the nontraffic offenses for which a pretrial waiver of appearance, plea of guilty and fine payment may be accepted.” Subsection A of this statute also identifies the categories of nontraffic offenses which may not be designated as prepayable. Those categories are: indictable offenses, Class 1 or Class 2 misdemeanors, offenses which involve moral turpitude, any offenses involving injury to persons, and offenses punishable by incarceration or by a fine of more than \$500.

The statute goes on to provide that the Committee on District Courts will make

¹ This statute is parallel to Virginia Code § 16.1-69.40:1, which provides for the designation of traffic infractions as prepayable offenses.

recommendations to the Supreme Court regarding a schedule for the designation of specific prepayable nontraffic offenses and the fines to be imposed for the various offenses so designated. Va. Code § 16.1-69.40:2 (C). Those nontraffic offenses designated as prepayable offenses constitute Part Three C of the Rules of the Supreme Court of Virginia.² The schedule of prepayable offenses is to be prominently posted in the places where fines are paid. *Id.* Also, these schedules are typically carried by the law enforcement personnel who cite offenders for prepayable violations, in order that the offender can be apprised that the offense with which he has been charged may be prepaid. In addition, courts provide information about prepayable offenses and the procedures for prepayment over the telephone. A number of courts are even providing this information through a home page on the Internet. *See, e.g.*, “www.co.fairfax.va.us/courts/gendist/homepage.htm” (Fairfax County General District Court) *and* “www.state.vipnet.org/loudoun/lcgdc/docs/prepayments/default.htm” (Loudoun County General District Court).

The schedule of designated offenses and the accompanying established fines must be applied uniformly throughout the Commonwealth. However, this schedule does not preempt the discretion of a judge to impose any statutorily-authorized penalty in those instances where the defendant chooses to appear for trial. Va. Code § 16.1-69.40:2 (C).

In recent years, the Supreme Court, acting in response to recommendations from the Committee on District Courts, has designated a range of different offenses as prepayable. Frequently, these amendments to the traffic and nontraffic schedules have occurred as a result of proposals by the state agencies either associated with or responsible for the particular area of regulated activity. For example, at the suggestion of the Department of Game and Inland Fisheries, Virginia Supreme Court Rule 3C:2 was amended in 1997 to designate 24 violations relating to hunting or boating as prepayable nontraffic offenses. This year, the schedule of nontraffic offenses was expanded to designate as prepayable a number of violations of regulations promulgated by the Potomac River Fisheries Commission. These most recent amendments relate to fishing, crabbing and activities involving bivalves.

Given the current statutory framework, there are two avenues for increasing the number of prepayable nontraffic offenses, which, in turn, reduces the number of nontraffic offenses requiring a personal appearance in court by the defendant.

First, an increased number of the nontraffic offenses eligible to be designated as prepayable could be so designated by the Supreme Court. The purpose of the final section of this report is to set forth the most useful candidates for designation as additional prepayable nontraffic offenses.

² The traffic infractions designated as prepayable offenses pursuant to Virginia Code § 16.1-69.40:1 constitute Part Three B of the Rules of the Supreme Court of Virginia.

Second, the General Assembly could expand the number of prepayable offenses by either (i) explicitly designating specific offenses not now eligible for prepayable status as eligible for that designation, (ii) changing the criteria which renders certain offenses eligible to be designated as prepayable offenses or (iii) making the designation of prepayable offenses wholly a legislative function and increasing the number of offenses so designated. The first course has been taken only infrequently. On rather singular occasions, the General Assembly has directed that certain offenses otherwise ineligible for prepayable status because of the severity of the fine which could be imposed should be eligible for prepayable status.³ The second course would involve either lessening the penalty for a given offense or modifying the criteria which render an offense eligible for designation as a prepayable offense. For example, the list of offenses eligible for designation as prepayable offenses would be expanded if the General Assembly chose to reduce a number of offenses from Class 2 misdemeanors to Class 3 misdemeanors. Finally, the number of prepayable offenses could be potentially expanded if the General Assembly were to make the designation of prepayable offenses a legislative function and then specifically to designate an increased number of offenses as prepayable offenses.⁴ Of course, these legislative options are solely within the discretion of the General Assembly and this study makes no recommendations regarding the legislative options.

It is worthwhile to emphasize that legislative action is not necessary in order to decrease the number of occasions on which citizens must appear in court after being charged with a nontraffic offense. The Office of the Executive Secretary is prepared to present to the Committee on District Courts proposals for expanding the schedule of prepayable nontraffic offenses. The Committee would then consider whether to embody any of these proposals in recommendations to the Supreme Court. Historically, both the Committee on District Courts and the Supreme Court have been quite receptive to expanding the list of prepayable offenses. The occasions when the Committee on District Courts has decided not to recommend the designation of particular offenses as prepayable have invariably involved offenses which were not eligible for that designation.

³ In 1998, section 16.1-69.40:1 was amended to provide that the schedule of prepayable traffic infractions could include the offense of parking in a space reserved for a person with a disability. 1998 ACTS OF ASSEMBLY, ch. 209. That violation was not then included on the prepayable schedule because the maximum fine exceeded the criterion for inclusion on the schedule of prepayable traffic infractions. In similar fashion, during its previous session, the General Assembly had enacted Virginia Code § 52-8.4:2 to make eligible for designation as prepayable offenses certain violations of motor carrier regulations. 1997 ACTS OF ASSEMBLY, ch. 283. Those motor carrier regulations had not been eligible for designation as prepayable offenses because the associated fines exceeded the criterion for designation as prepayable traffic infractions.

⁴ It should be noted that the General Assembly has considered making the designation of prepayable offenses a legislative function and has declined to do so. See H.B. 1152 (1998 Session of the General Assembly) (continued to 1999 in House Committee for Courts of Justice and no action taken).

IV. Recommendations for Additional Prepayable Offenses

In response to this legislative charge, the Office of the Executive Secretary has identified the more common nontraffic offenses which are eligible to become prepayable. This listing is appended to the report as Attachment 1 and consists of 158 offenses. It was prepared by utilizing the lists of the more common offenses which had been prepared for the DISTRICT COURT MANUAL and the MAGISTRATE MANUAL, two publications produced by this office for use in the field by district court judges, district court clerks and Virginia magistrates. All traffic offenses and all offenses which carry a penalty higher than a Class 3 or Class 4 misdemeanor were removed from those initial lists.

Attachment 1 represents simply the more common nontraffic offenses which are Class 3 or Class 4 misdemeanors and which are not otherwise statutorily disqualified from being designated as prepayable offenses. It does not reflect the exercise of any judgment regarding offenses which may be very infrequently violated or which may not merit designation as prepayable offenses for other reasons. Therefore, in considering which nontraffic offenses facially eligible for designation ought to be designated as prepayable offenses, it may be useful to apply the principles the Office of the Executive Secretary has used in presenting to the Committee on District Courts proposals for the designation of prepayable offenses. These principles need not be applied as inflexible criteria, but they are intended to comprise a consistent, coherent approach to identifying useful candidates for designation as prepayable offenses.

First, it is plausible to exclude from the designated prepayable schedule those offenses which can only be committed by state officials or by professionals fulfilling a duty directed by statute.⁵ The primary rationale for the creation of prepayable offenses is to reduce the inconvenience to citizens of having to appear in court for relatively minor offenses. Because of the responsibility with which the "official offender" was statutorily entrusted, this rationale does not seem nearly as compelling when the offender commits the offense in his or her official role.

Second, there is a sound reason to exclude offenses where a subsequent violation of the same statute carries a substantial penalty and is not eligible to be a prepayable offense. Frequently, the charging officer does not know that the offense is a subsequent violation and if those first offenses are designated as prepayable offenses, then a defendant who may be

⁵ Examples of these "official offenses" which would otherwise be eligible for designation as prepayable offenses include the unauthorized disclosure of information regarding a juvenile proceeding by someone who has access to court records in an official capacity, the release of identifying information by a staff member assisting a Serious or Habitual Offender Comprehensive Action Program (SHOCAP) committee, the reusing of single-use-only needles when administering a blood test in connection with an arrest for driving under the influence of alcohol or drugs, and the duty of a physician, nurse, or staff member to report abuse to an aged or incapacitated adult. Va. Code §§ 16.1-309, -330.1, 18.2-268.5, 63.1-55.3.

guilty of a subsequent violation will be able to prepay the offense as a first violation and to avoid the harsher penalty because he or she was not charged with committing a subsequent offense.⁶

Third, one may wish to avoid designating as prepayable those offenses which carry significant sanctions in addition to a fine.⁷ These offenses include sanctions specifically related to the offense and making the violation prepayable may make it impossible for those sanctions ever to be imposed upon the offender.

Fourth, the schedule of prepayable nontraffic offenses does not currently include any of the drug-related offenses which are Class 3 or Class 4 misdemeanors.

Fifth, our office is somewhat more reluctant to recommend an offense for designation as a prepayable offense when an agency of the Commonwealth is either a necessary participant in the prosecution of that offense or when the offense consists of the violation of a regulation promulgated by that agency, until there has been a consultation with that agency.⁸ This reluctance reflects a respect for the opinion of the particular agency charged with the enforcement of the provisions in question. Therefore, we have not included offenses of this type in our recommendations to the Committee on District Courts. This consideration only indicates a need to consult with the relevant agency before making a recommendation, it does not suggest an aversion to consider those offenses as candidates for designation as prepayable offenses. An exception has been made for a group of offenses under Title 29, because the Department of Game and Inland Fisheries has recently presented this office with a list of offenses which the Department requests be designated as prepayable offenses.

Finally, because the entire philosophy of prepayable offenses is predicated upon maximizing efficiency and reducing inconvenience, one would rightly be concerned if the mechanism of administering the prepayable schedules were to become unwieldy and

⁶ For example, to “knowingly, wrongfully, and intentionally” engage in conduct constituting “a clear and significant violation” of a custody or visitation order is a Class 4 misdemeanor for the first offense, but becomes a Class 3 misdemeanor for the second offense within 12 months of the first offense and becomes a Class 2 misdemeanor for a third offense within 24 months of the first offense. Va. Code § 18.2-49.1.

⁷ As an example, it is a Class 4 misdemeanor for someone negligently or intentionally to set woods or brush on fire when that fire damages the property of another. Va. Code § 18.2-88. Furthermore, someone who is guilty of this offense “shall be liable for the full amount of all expenses incurred in fighting the fire.” *Id.* If this offense were to be made prepayable, then it would not be possible for the Commonwealth to recoup those expenses.

⁸ An example of such an agency-related offense is found in Virginia Code § 3.1-690.2, which provides, *inter alia*, that it is a Class 3 misdemeanor to violate marketing agreements entered into or regulations promulgated by the Board of Agricultural and Consumer Services which are designed to facilitate the marketing of Virginia agricultural products.

cumbersome. Such a concern militates against a reflexive, wholesale designation of all the eligible offenses as prepayable offenses. It would be unfortunate if the prepayable schedules became so voluminous and unmanageable that they were more difficult to use, less frequently used and less accurately used. It is important to have some level of confidence that the marginal utility of designating particular nontraffic offenses as prepayable will outweigh the costs associated with expanding the schedule of prepayable nontraffic offenses. In the case of offenses which the courts see on a regular basis, it is fair to assume that the benefit of designating those particular offenses as prepayable will handily outweigh any costs incurred by the growth of the prepayable schedule. However, there are nontraffic offenses which are eligible for designation as prepayable offenses and which are referenced in this office's manuals but, nevertheless, which would appear to be only rarely violated.⁹

This concern with the marginal utility of designating certain uncommon offenses as prepayable illustrates one of the very practical features of the present statutory mechanism for designating offenses as prepayable. As noted, the Committee on District Courts makes recommendations to the Supreme Court regarding the traffic infractions and nontraffic offenses to be designated as prepayable. Va. Code §§ 16.1-69.40:1, -69.40:2. The judicial membership of the Committee on District Courts consists of a circuit court judge, a general district court judge and a juvenile and domestic relations district court judge, who are chosen "to give representation, in so far as feasible to various geographic areas of the Commonwealth." Va. Code § 16.1-69.33. In addition, the Committee on District Courts is assisted in its deliberations by three advisory committees, composed respectively of two district judges, five court clerks and three magistrates. 1998 VIRGINIA STATE OF THE JUDICIARY REPORT, p. C-6. The advisory committees and the judicial members of the Committee on District Courts are drawn from jurisdictions as disparate as Amherst County, Fairfax County, Frederick County, Rockbridge County, and the cities of Richmond, Roanoke and Suffolk. *Id.* Therefore, the Committee on District Courts, with the assistance of its advisory committees, has a depth of experience to draw upon in assessing which offenses would produce significant benefits by their designation as prepayable offenses.¹⁰

⁹ Examples of these possibly rare offenses include manufacturing or selling a specially coated bag designed to shield shoplifted merchandise from detection by an electronic alarm sensor and allowing livestock to run at large in a county when under quarantine. Va. Code §§ 18.2-105.2, -121.1. This is not to suggest that these offenses never occur or that these statutes are dead letters, but rather simply that these offenses would be charged only extremely sporadically and, therefore, that their inclusion on the schedule of prepayable nontraffic offenses would do little to reduce significantly the number of occasions when defendants would be required to appear in court.

¹⁰ Since the schedules of prepayable offenses serve as guidebooks for both officials administering the system of prepayable offenses and those offenders trying to navigate that system, it is crucial that the schedules be as intelligible as possible. The various prepayable offenses are identified not only by citation to the relevant statute or regulation, a reference which may convey very little information to the typical offender, but also by a brief description of each offense. Va. Sup. Ct. R. 3C:2 (The Rule notes that "The description of [the] offense is for reference and is not a legal definition."). The development of the appropriate description for an

As a part of this study, our office has taken the list of offenses included as Attachment 1 and pared it down using these six principles. That second list is included in this study as Attachment 2. Application of those excluding principles reduced the list of candidates for designation as prepayable offenses from 158 offenses to 28 offenses.

The sixth principle, which would exclude very infrequently-violated offenses, was applied rather “lightly” to exclude only those offenses which seem clearly, obviously rare. That principle of exclusion is one which could be effectively utilized further by the Committee on District Courts, as assisted by its advisory committees, since those judges, clerks and magistrates have considerable pooled experience regarding the range and frequency of the nontraffic offenses they encounter.

The Office of the Executive Secretary will present these lists to the Committee on District Courts and will advise the Committee to recommend to the Supreme Court that additional nontraffic offenses be designated as prepayable offenses.

offense is another point in the designation process where the aggregate experience of the Committee on District Courts, and its associated advisory committees, is extremely valuable. While these descriptions cannot fully convey the complete legal descriptions of the offenses, it is important to have these descriptions serve as clear referents both to those charging the offenses and to the offenders themselves.

ATTACHMENT 1

Nontraffic Offenses Eligible for Designation as Prepayable Offenses

3.1-624	failing to provide producer records to the Virginia State Apple Board	3
3.1-690.2	violation of Division of Marketing regulations or marketing agreements	3
3.1-796.68	failure of an owner or others to provide listed adequate care provisions for animals	4
3.1-796.70(A)	sale of unweaned or certain immature animals	3
3.1-796.70(B)	dealer required to vaccinate dogs and cats and provide new owners with immunization record	3
3.1-796.71	failure of a dealer or pet shop to provide adequate care of animals	3
3.1-796.73	abandonment of any animal	3
3.1-796.83:2	failure of animal boarding establishments to provide/display notice for consumers as to their rights	3
3.1-796.111	interference with animal control officer, humane investigator preventing cruelty to animal	4
3.1-796.121	failure of an owner to dispose of a dead companion animal	4
3.1-796.122(C)	abandonment of any domesticated animal in any public place	3
3.1-796.123	soring of horses	3
3.1-796.125	engaging in or wagering on non-dog fights or attending paid admission animal fights	3

3.1-796.128(A)(6)	owner allowing cat or dog with contagious or infectious disease to stray if knew of disease	4
3.1-796.128:1(A)	willful impeding or interfering with a guide or leader dog	3
5.1-88.6	failure by a parachute school owner to disclose in writing to the students the school's insurance	3
10.1-1006	unlawful to remove, kill, harm cave species except for health and safety reasons	3
10.1-1144	failing to clean certain mill premises which are located near forests or brush lands	4
10.1-1145	spark arresters required on logging equipment and railroad locomotives operated in certain areas	4
10.1-1422.5	failing to post provided recycling sign by retailers of motor oil who do not accept used motor oil	4
10.1-1424.1	unlawful to knowingly sell packaging materials containing fully halogenated chlorofluorocarbons	3
10.1-1425.3	failing to post battery recycling notice required by §10.1-1425.2 after a warning to do so	*
15.2-2801(E)	failing to post "No Smoking" signs	*
15.2-2801(F)	smoking in no-smoking area after request to stop	*
16.1-241(V)	physician performing abortion on unemancipated minor without required notification or judicial authorization	3
16.1-309(A)	disclosing, knowingly using or permitting using of identifying information on a minor	3
16.1-330.1(E)	unauthorized disclosure of or knowingly permitted use of identifying information on a minor by SHOCAP	3

18.2-23	conspiring to trespass after having been forbidden to do so	3
18.2-49.1(B)	violation of a court order regarding custody or visitation; 1st offense	4
18.2-56.2(A)	allowing access to loaded firearms by children	3
18.2-76.1	encouraging abortion or miscarriage through publication, lecture or advertisement	3
18.2-88	carelessly damaging property by fire	4
18.2-105.2	manufacture, sale of device to shield shoplifted merchandise from detection	3
18.2-119.1	knowingly or intentionally posting no trespass signs on property of another without permission	3
18.2-121.1	knowingly permitting livestock to run at large when quarantine in effect	4
18.2-121.2	willfully using spotlight to cast light upon land for crops or livestock without permission	3
18.2-131	trespassing upon licensed shooting preserve	4
18.2-132	trespassing upon lands to hunt, fish or trap without consent	3
18.2-133	refusing to identify self on request of landowner when on his lands to hunt, fish or trap	4
18.2-135	destroying no hunting or other signs or posting such signs without consent	3
18.2-137(A)	destroying, defacing monuments or boundary markers without intent to steal any property	3
18.2-139	destroying plants, trees or fences on Capitol Square or public grounds without consent	3

18.2-140	destroying plants, trees on private land, public park, refuge without consent	3
18.2-141	carrying certain axes, saws without permission while hunting on another's land	3
18.2-143	pulling down fences or leaving certain gates open without permission of owner	4
18.2-145	hunting, killing, injuring homing pigeons of another	3
18.2-149	causing destruction, injury, damage to a hired animal or vehicle or allowing another to do so	3
18.2-152.5	computer invasion of privacy by intentionally examining personal information without authority	3
18.2-152.4	computer trespass without authority generally if damage is less than \$2,500	3
18.2-157	willfully or maliciously destroying, damaging certain railroad fences or cattle stops	3
18.2-158	injuring animal by willful driving onto railroad tracks for recovery of damages	3
18.2-162	destroying public service facilities when damage is less than or equal to \$200	3
18.2-164	unlawfully using, injuring, copying of telephone and telegraph property/messages or aid to another	3
18.2-165	unlawfully using, injuring, interfering with television or radio equipment or signals	3
18.2-166	disclosing or inducing disclosure of certain information about telephone customers	3
18.2-173	knowing possession of fewer than 10 forged bank notes or coins with intent to sell	3
18.2-177	illegally using certain insignia	4

18.2-180	manufacturing slugs for unlawful operation of coin operated machines	3
18.2-209.1(B)	special commissioner advertising, selling or renting property before receiving the required bond	3
18.2-209.2	clerk failing to give notice of appointment of special commissioner	4
18.2-210	stamping on newspapers any word to cause belief that it was done by the publisher or to circulate	4
18.2-212.1	person not blind or incapacitated using raised/extended white/metallic cane	4
18.2-214.1	failing to report removal, alteration of trademark or identification numbers on a business machine	4
18.2-241	food retailer accepting promissory notes for more than twice the sales price of food in payment	3
18.2-242	using games, contests, lotteries to promote sale of products having both federal and state tax	3
18.2-248(E)	pharmacist filling prescription prior to written prescription and written copy received within time	4
18.2-250	unlawfully possessing controlled drugs, Schedule V or Schedule VI	3
18.2-268.5	reusing single-use-only needles or syringes by persons authorized to take blood sample	3
18.2-283	carrying dangerous weapons into a place of religious worship while religious meeting being held	4
18.2-284	selling or giving toy firearms which use powder or explosives to discharge blank or ball charges	4
18.2-286	discharging firearm or crossbow in or across a road, right-of-way or street	4

18.2-294	failing to keep a register of machine guns or allow inspection of stock/register	3
18.2-295	failing to produce certificates of registration for machine gun for inspection; failure to give notice of transfer	3
18.2-304	failing to keep a register of "sawed-off" firearms and to allow inspection of stock/register	3
18.2-311	selling blackjacks, knucks	4
18.2-313	displaying or handling poisonous or dangerous snakes or reptiles in a manner to endanger humans	4
18.2-316	failing to fill wells or pits or to fence mines when abandoned	3
18.2-317	failing to cover certain wells	3
18.2-319	discarding or abandoning refrigerators without removing door/hinges	3
18.2-320	failing to place warning label on plastic bags	3
18.2-321	using x-rays in fitting shoes	3
18.2-371.3	unauthorized tattooing of minors	3
18.2-407	remaining at a place of riot or unlawful assembly after a warning to disperse	3
18.2-414.1	obstructing rescue squad or refusing to stop obstruction or refusing to move on when requested	4
18.2-414.2	obstructing justice by crossing police line established pursuant to § 15.2-1714	3
18.2-424	failing to relinquish a telephone party line for emergency when requested to do so	4
18.2-425.1(A)	using recorded telephone solicitation calls for initial sales contacts	4

18.2-425.1(B)	using recorded telephone solicitation calls which do not disengage when party called attempts to do so	3
18.2-429	causing or permitting telephone or digital pager to ring with intent to annoy non-emergency personnel	3
18.2-431(2)	company failing to include in directory notice regarding telephone offenses	4
18.2-465.1	employer penalizing jury members or witnesses for court appearances	4
18.2-469	officer refusing or delaying to execute criminal process	3
18.2-473.1	unlawfully communicating with prisoners by persons outside any jail	4
18.2-502.2	failing to provide warning labels required for home medical tests	4
18.2-503	unlawfully possessing or duplicating keys to public buildings	3
18.2-509	using lights to cause panic or injury to animals	4
19.2-310.6	using DNA data bank in unauthorized manner	3
22.1-289	unlawful disclosure by school personnel of information obtained pursuant to § 16.1-305.1	3
24.2-1003	campaigning at election registration location	3
27-15.1	failing to obey chief or other fire officer answering an alarm or operating at an emergency incident	4
28.2-205	failing to obtain scientific collection permit for removal of marine fish, shellfish or organisms	3
28.2-228.1	failing to obtain a seafood landing license or to make it available for inspection	3
28.2-235	duty to apply for new boat tag in case of loss	3

28.2-302	permitting net fishing within 300 yards of commercial fishing piers	3
28.2-305	using prohibited fishing nets	3
28.2-306	using certain fishing devices in the Rappahannock River below the Downing Bridge at Tappahannock	3
28.2-307	using improper fishing devices or improperly placing nets	3
28.2-308	setting gill nets along the southern oceanfront boundary of U.S. Dam Neck Military Base south to N.C.	3
28.2-310	setting trotlines on ocean side of Accomack and Northampton Counties	3
28.2-312	using haul seine in the Rappahannock River east of Downing Bridge at Tappahanock	3
28.2-313	killing fish by means of explosives, drugs or poisons or possessing or selling fish so killed	3
28.2-509	using unlawful oyster patent tongs to take oysters	3
28.2-511	culling of oysters unlawfully	3
28.2-519	using oyster scrapes or rakes on ocean side of Accomack and Northampton Counties	3
28.2-530	taking oysters or loading on vessel on Sunday or at night	3
28.2-531	taking clams on Sunday or at night	3
28.2-532	falsely designating oysters or clams as Virginia oysters or clams	3
28.2-557	threatening or hindering oyster surveyor	3
28.2-561	removing or injuring markers of oyster planting grounds	3

28.2-624	using or staking off public rocks for oysters or clams or failing to remove stakes	3
28.2-705	harvesting crabs by unlawful means	3
28.2-707	unlawful crab dredging	3
28.2-708	taking under size crabs	3
28.2-903.1	impeding lawful fishing or shellfishing in tidal waters	3
28.2-1210(B)	failing to remove obstructions or hazardous property from state waters after notice to do so	3
29.1-337(A)	refusing to display hunting, fishing or trapping license upon request	3
29.1-415; 29.1-412	failing to obtain permit for taxidermy	4
29.1-416; 29.1-412	failing to obtain permit for netting fish	4
29.1-417	failing to obtain permit for capturing, propagating and disposing of wildlife for authorized purposes	4
29.1-418	failing to obtain permit for collecting specimens	4
29.1-419	failing to obtain permit for taking, holding falcons, hawks and owls to use to hunt wild game	4
29.1-521(A)(1)	hunting on Sunday	3
29.1-521(A)(2)	destroying or molesting nest, eggs, dens or young of wild bird or wild animal	3
29.1-521(A)(3)	hunting after obtaining daily or season limit	3
29.1-521(A)(4)	hunting over bait or occupying baited blind	3
29.1-521(A)(5)	hunting when adjacent to field or forest fire	3
29.1-521(A)(6)	shooting from an automobile	3

29.1-521(A)(7)	providing no name or address on traps set on another's property	3
29.1-521(A)(8)	setting trap where injury likely to persons, dogs, stock or fowl	3
29.1-521(A)(9)	failing to visit traps daily and remove animals	3
29.1-521(A)(10)	unlawfully hunting, trapping, possessing, transporting animals or carcasses	3
29.1-521.1	willfully and intentionally impeding lawful hunting or trapping of wild birds or wild animals	3
29.1-548	killing deer illegally during open season and delivering the complete carcass in good condition to game warden	3
29.1-549	hunting deer from watercraft	4
29.1-554.1	willfully and intentionally impeding lawful fishing	3
29.1-739.1(A)	failing to bring vessel to a stop promptly after a signal from a law-enforcement officer	3
29.1-744.3	operating motorboat at excessive speed when within 50 feet of docks, piers, ramps, people in water	*
29.1-749.3	failing to provide personal watercraft instructions by rental agent	*
40.1-28.10; 40.1-28.11	violating the Virginia Minimum Wage Act	*
45.1-161.61	operating a coal mine without a license	3
45.1-161.292:34	operating a mineral mine without a license	3
46.2-341.26:5	reusing single-use-only needles or syringes by persons authorized to take blood sample	3
54.1-4201.1	sponsor of a firearms show failing to notify law-enforcement authorities or to maintain required records	3

55-316	knowingly permitting livestock to run at large	4
58.1-3914	failing to deliver receipts to taxpayers when taxes collected	4
58.1-4019.1	failing to obtain license for "instant ticket" game or contest to promote product	3
62.1-193.3	knowingly use any cleaning agent in violation of Virginia Code § 62.1-193.1	4
63.1-55.3	failure of health care provider to report abuse of aged or incapacitated adult; 1st offense	*

ATTACHMENT 2

Nontraffic Offenses Presented to the Committee on District Courts for Consideration as Prepayable Offenses

18.2-132	trespassing upon lands to hunt, fish or trap without consent	3
18.2-133	refusing to identify self on request of landowner when on his lands to hunt, fish or trap	4
18.2-152.5	computer invasion of privacy by intentionally examining personal information without authority	3
18.2-180	manufacturing slugs for unlawful operation of coin operated machines	3
18.2-214.1	failing to report removal, alteration of trademark or identification numbers on a business machine	4
18.2-242	using games, contests, lotteries to promote sale of products having both federal and state tax	3
18.2-414.2	obstructing justice by crossing police line established pursuant to §15.2-1714	3
18.2-425.1(A)	using recorded telephone solicitation calls for initial sales contacts	4
18.2-425.1(B)	using recorded telephone solicitation calls which do not disengage when party called attempts to do so	3
18.2-473.1	unlawfully communicating with prisoners by persons outside any jail	4
18.2-503	unlawfully possessing or duplicating keys to public buildings	3
18.2-509	using lights to cause panic or injury to animals	4
24.2-1003	campaigning at election registration location	3

27-15.1	failing to obey chief or other fire officer answering an alarm or operating at an emergency incident	4
29.1-415; 29.1-412	failing to obtain permit for taxidermy	4
29.1-416; 29.1-412	failing to obtain permit for netting fish	4
29.1-417	failing to obtain permit for capturing, propagating and disposing of wildlife for authorized purposes	4
29.1-418	failing to obtain permit for collecting specimens	4
29.1-419	failing to obtain permit for taking, holding falcons, hawks and owls to use to hunt wild game	4
29.1-521(A)(1)	hunting on Sunday	3
29.1-521(A)(3)	hunting after obtaining daily or season limit	3
29.1-521(A)(4)	hunting over bait or occupying baited blind	3
29.1-521(A)(6)	shooting from an automobile	3
29.1-521(A)(7)	providing no name or address on traps set on another's property	3
29.1-521(A)(9)	failing to visit traps daily and remove animals	3
29.1-521(A)(10)	unlawfully hunting, trapping, possessing, transporting animals or carcasses	3
29.1-521.1	willfully and intentionally impeding lawful hunting or trapping of wild birds or wild animals	3
29.1-744.3	operating motorboat at excessive speed when within 50 feet of docks, piers, ramps, people in water	*