

Proposed Cost Recovery Ordinance

Board of Supervisors Meeting, 8.21.24

Authorization

- Virginia Code § 15.2-1716.1: A locality may provide by ordinance that any person:
 - Who is convicted of [enumerated offenses];
 - If the [enumerated offenses] are the proximate cause of an incident that resulting in an emergency response
 - Shall be liable
 - At the time of sentencing or separate action
 - For a “reasonable expense”

Implementation—Definitions

- **Qualifying offense:**

- § 18.2-46.6 (B,C)—possession* of, *with intent to commit act of terrorism*, device or material appearing to be or contain an imitation:
 - (i) weapon of terrorism; or
 - (ii) fire bomb, explosive material, or device; **OR**
- § 18.2-83—threaten to bomb or burn or false threat of same (age 15 or older only); **OR**
- § 18.2-84—encourage, incite, cause violation of 18.2-83 (age 15 or older only); **OR**
- § 18.2-212—abuse of 911 (EMS, fire), malicious fire alarm; **OR**
- § 18.2-461.1—intentionally false emergency communication

Implementation—Definitions (cont.)

- **Local agency**—County emergency services, including coordinated system (Albemarle County Code § 6-100)
- **Reasonable expenses**—\$250 or up to \$2500 (for minute-to-minute accounting)
- **Appropriate emergency response**
 - To a qualifying offense *if* the violation is the proximate cause of the incident
 - Costs for law enforcement, EMS, firefighting response of local agency

Implementation—Procedure

- When suspect is charged or indicted, County staff provides to Commonwealth's Attorney assessment of reasonable cost
 - \$250 will be presumed assessment; nominal budgetary impact
- If person is convicted, Commonwealth's Attorney requests cost recovery at time of person's sentencing
- Court imposes liability on person for cost recovery

Questions?