

# VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the  
City of Richmond on* Thursday *the* 22nd *day of* December, 2011.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective March 1, 2012.

Amend Rule 3A:3 to read as follows:

## **Rule 3A:3. The Complaint.**

The complaint shall consist of sworn statements of a person or persons of facts relating to the commission of an alleged offense. The statements shall be made upon oath before a magistrate empowered to issue arrest warrants. The magistrate may require the sworn statements to be reduced to writing and signed if the complainant is a law-enforcement officer, but shall require the sworn statements to be reduced to writing if the complainant is not a law enforcement officer.

\* \* \*

Amend portions of Rule 3B:2 to read as follows:

## **Rule 3B:2. Uniform Fine Schedule.**

For any offense listed below, whether prescribed by the specified State statute or by a parallel local ordinance adopted pursuant to the authority granted in Virginia Code § 46.2-1300, a driver may enter a written appearance, waiver of court hearing, plea of guilty, and pay fines and costs. For traffic offenses not listed below, a court hearing is required. Nothing in this Rule

affects bonding procedures for those offenses not listed below. Likewise, nothing in this Rule shall be construed to alter the operation of or the penalties prescribed pursuant to §§ 46.2-1220 through 46.2-1230.

This schedule is applied uniformly throughout the Commonwealth, and a clerk or magistrate may not impose a fine different from the amounts shown here. Costs shall be paid in accordance with the provisions of the Code of Virginia or any rules or regulations promulgated thereunder. This schedule does not restrict the fine a judge may impose for an offense listed here in any case for which there is a court hearing.

\* \* \*

Amend portions of Rule 3C:2 to read as follows:

**Rule 3C:2. Uniform Fine Schedule.**

Any person charged with any offense listed below may enter a written appearance, waiver of court hearing, plea of guilty, and pay fines and costs.

This schedule is applied uniformly throughout the Commonwealth, and a clerk or magistrate may not impose a fine different from the amounts shown here. Costs shall be paid in accordance with the provisions of the Code of Virginia or any rules or regulations promulgated thereunder. The schedule does not restrict the fine a judge may impose for an offense listed here in any case for which there is a court hearing.

Where injury to the person is involved, prepayment may not be made, even though the offense or violation appears on the list below. See Va. Code § 16.1-69.40:2(A).

A violation of a provision of Title 28.2 may be prepaid only if the person has not violated a provision of Title 28.2 within the

past 12 months. See Va. Code § 28.2-903.

Description of Offense*	Statute or Regulation	Fine	Processing** Fee***	Total
* * *				
Operating personal watercraft under age 14	29.1-748(A) (1)	\$35	\$61	\$96
Operating personal watercraft without wearing personal flotation device	29.1-748(A) (3)	\$35	\$61	\$96
Operating personal watercraft without a lanyard	29.1-748(A) (4)	\$35	\$61	\$96
Operating personal watercraft between sunset and sunrise	29.1-748(A) (5)	\$35	\$61	\$96
Exceeding capacity on personal watercraft	29.1-748(A) (6)	\$35	\$61	\$96
Permitting operation of personal watercraft by person under age 14	29.1-749(A)	\$75	\$61	\$136
* * *				
Killing or crippling and knowingly allowing any nonmigratory game bird or game animal to be wasted without making a reasonable effort to retrieve and retain it	4 VAC 15-40-250 <sup>1</sup>	\$25	\$61	\$86
Unlawfully validate (notch) a bear license prior to killing a bear or after killing bear fail to validate a bear license tag before moving the carcass from the place of kill	4 VAC 15-50-81(A) <sup>1</sup>	\$50	\$61	\$111
Failing to present bear carcass at an authorized checking station after having validated the appropriate bear license tag or failing to comply with procedure at such checking station	4 VAC 15-50-81(B) <sup>1</sup>	\$50	\$61	\$111

Destroying the identity (sex) of bear before validating bear license tag and checking at an authorized checking station	4 VAC 15-50-81(C)'	\$50	\$61	\$111
Unlawfully validate a deer license tag prior to killing a deer or after killing deer fail to validate a deer license tag before moving the carcass from the place of kill	4 VAC 15-90-231(A)'	\$50	\$61	\$111
Failing to either present deer carcass at an authorized checking station after having validated the appropriate deer license tag or report the kill through automated reporting system	4 VAC 15-90-231(B)'	\$50	\$61	\$111
Destroying the identity (sex) of deer before validating deer license tag and checking at an authorized checking station	4 VAC 15-90-231(C)'	\$50	\$61	\$111
Unlawfully validate a turkey license tag prior to killing a turkey or after killing turkey failing to validate a turkey license tag before moving the carcass from the place of kill	4 VAC 15-240-81(A)'	\$50	\$61	\$111
Failing to either present turkey carcass at an authorized checking station after having validated the appropriate turkey license tag or during the spring season only report the kill through automated reporting system	4 VAC 15-240-81(B)'	\$50	\$61	\$111
Destroying the identity (sex) of turkey before validating turkey license tag and checking at an authorized checking system	4 VAC 15-240-81(C)'	\$50	\$61	\$111
Failing to use nontoxic shot for waterfowl hunting	4 VAC 15-260-140'	\$25	\$61	\$86
Using a rifle of a caliber less than 23 for hunting or killing of bear or deer'''	4 VAC 15-270-10	\$100	\$61	\$161

Exceeding the creel limits for various species of fish on designated waters	4 VAC 15-320-25 <sup>1</sup>	\$60	\$61	\$121
Possessing illegal size game fish	4 VAC 15-320-25 <sup>1</sup>	\$25	\$61	\$86
Fishing in designated stocked trout waters or in water specified in the regulations listed (during the period from May 16 through September 30) after obtaining the daily creel limit of trout	4 VAC 15-330-80 <sup>1</sup>	\$50	\$61	\$111
Feeding or baiting trout in designated stocked trout waters	4 VAC 15-330-90 <sup>1</sup>	\$10	\$61	\$71
Taking or attempting to take fish at any time by snagging, grabbing, snaring, gigging, with a striking iron, or with the use of SCUBA gear	4 VAC 15-350-10 <sup>1</sup>	\$50	\$61	\$111
Unlawfully using trot-line, jugline or set pole	4 VAC 15-350-60 <sup>1</sup>	\$25	\$61	\$86
Failure to display light while drifting or at anchor	4 VAC 15-420-100 <sup>1'''</sup>	\$25	\$61	\$86
Vessel failing to obey regulatory markers; placing in, on or near the water unauthorized regulatory markers	4 VAC 15-370-50 <sup>1</sup>	\$30	\$61	\$91

\* \* \*

\* The description of offense is for reference and is not a legal definition.

\*\* Unless otherwise provided by statute.

\*\*\* See §§ 9.1-106 and 53.1-120 of the Code.

<sup>1</sup> This designation "PRF Reg" refers to the Potomac River Fisheries Commission Regulations. The cite provides the regulation number, the section number and the subsection number.

<sup>2</sup> Subtract fees from total and post balance to fine.

<sup>3</sup> "Park" is defined pursuant to § 4 VAC 5-30-10 as and is intended for the purposes of this rule to mean all designated parks, parkways, historical and natural areas, sites and other recreational areas under the jurisdiction of the Virginia Department of Conservation and Recreation.

<sup>4</sup> Established pursuant to § 10.1-104 of the Code.

' These Regulations are promulgated pursuant to §§ 29.1-501 and 29.1-502 of the Code.

'' The Regulations are promulgated pursuant to §§ 29.1-103, 29.1-501 and 29.1-502 of the Code.

''' The Regulations are promulgated pursuant to § 29.1-501 of the Code.

'''' The Regulations are promulgated pursuant to §§ 29.1-701 and 29.1- and 29.1-802 of the Code.

\* \* \*

Amend portions of Rule 5:14 to read as follows:

**Rule 5:14. Notice of Appeal; Certification.**

(a) *Notice of Appeal.* No appeal from a judgment of the Court of Appeals which is subject to appeal to this Court shall be allowed unless, within 30 days after entry of final judgment or order denying a timely petition for rehearing, a notice of appeal is filed with the clerk of the Court of Appeals. If a party is granted a delayed appeal from the Court of Appeals, and has previously filed a notice of appeal with the Court of Appeals, no new notice of appeal will be required.

\* \* \*

Amend portions of Rule 7C:3 to read as follows:

**Rule 7C:3. The Complaint, Warrant, Summons and Capias.**

(a) The complaint shall consist of sworn statements of a person or persons of facts relating to the commission of an alleged offense. The statements shall be made upon oath before a judicial officer empowered to issue arrest warrants. The judicial officer may require the sworn statements to be reduced to writing if the complainant is a law-enforcement officer, but shall require the sworn statements to be reduced to writing if the complainant is not a law-enforcement officer.

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A Copy,

Teste:

*Beth L Harrington*

Clerk