

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-272 of the Code of Virginia, relating to power of circuit court*
3 *over juvenile offender.*

4 [H 275]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 16.1-272 of the Code of Virginia is amended and reenacted as follows:**

8 § 16.1-272. Power of circuit court over juvenile offender.

9 A. In any case in which a juvenile is indicted, the offense for which he is indicted and all ancillary
10 charges shall be tried in the same manner as provided for in the trial of adults, except as otherwise
11 provided with regard to sentencing. Upon a finding of guilty of any charge other than capital murder,
12 the court shall fix the sentence without the intervention of a jury.

13 1. If a juvenile is convicted of a violent juvenile felony, the sentence for that offense and for all
14 ancillary crimes shall be fixed by the court in the same manner as provided for adults, but the sentence
15 may be suspended conditioned upon successful completion of such terms and conditions as may be
16 imposed in a juvenile court upon disposition of a delinquency case *including, but not limited to,*
17 *commitment under subdivision 14 of § 16.1-278.8 or § 16.1-285.1.*

18 2. If the juvenile is convicted of any other felony, the court may sentence or commit the juvenile
19 offender in accordance with the criminal laws of this Commonwealth or may in its discretion deal with
20 the juvenile in the manner prescribed in this chapter for the hearing and disposition of cases in the
21 juvenile court, including, but not limited to, commitment under § 16.1-285.1 *or may in its discretion*
22 *impose an adult sentence and suspend the sentence conditioned upon successful completion of such*
23 *terms and conditions as may be imposed in a juvenile court upon disposition of a delinquency case.*

24 3. If the juvenile is not convicted of a felony but is convicted of a misdemeanor, the court shall deal
25 with the juvenile in the manner prescribed by law for the disposition of a delinquency case in the
26 juvenile court.

27 B. If the circuit court decides to deal with the juvenile in the same manner as a case in the juvenile
28 court and places the juvenile on probation, the juvenile may be supervised by a juvenile probation
29 officer.

30 C. Whether the court sentences and commits the juvenile as a juvenile under this chapter or under
31 the criminal law, in cases where the juvenile is convicted of a felony in violation of §§ 18.2-61, 18.2-63,
32 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-370 or § 18.2-370.1 or, where the victim is a
33 minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection B of
34 § 18.2-361 or subsection B of § 18.2-366, the clerk shall make the report required by § 19.2-390 to the
35 Sex Offender Registry established pursuant to § 19.2-390.1.

36 **2. That the provisions of this act may result in a net increase in periods of imprisonment in state**
37 **correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation**
38 **is \$0 in FY 2010.**

ENROLLED

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