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HOUSE BILL NO. 1874

Offered January 10, 2001

Prefiled January 5, 2001

A BILL to amend the Code of Virginia by adding sections numbered 16.1-129.01 and 19.2-265.6, relating to deferral and dismissal in criminal cases.

Patron—Melvin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 16.1-129.01 and 19.2-265.6 as follows:

§ 16.1-129.01. Authority to defer and dismiss.

When a person pleads guilty or not guilty to a criminal charge in a criminal or delinquency proceeding, a judge of a general district court or of a juvenile and domestic relations district court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon such terms and conditions as the court deems proper in the case. Upon fulfillment of the terms and conditions, the court may discharge the person and dismiss the proceedings without an adjudication of guilt or impose a sentence in accordance with the law. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided.

§ 19.2-265.6. Authority to defer and dismiss.

When a person pleads guilty or not guilty to a criminal charge in a circuit court, the judge, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon such terms and conditions as the court deems proper in the case. Upon fulfillment of the terms and conditions, the court may discharge the person and dismiss the proceedings without an adjudication of guilt or impose a sentence in accordance with the law. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided.

INTRODUCED

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