

# 2001 SESSION

INTRODUCED

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## HOUSE BILL NO. 2833

Offered January 19, 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.*

Patrons—McDonnell, Albo and Griffith

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 criminal and delinquency proceedings.*

*Notwithstanding any other provision of law, if the facts in any criminal or delinquency proceeding before a general district court or a juvenile and domestic relations district court involving a misdemeanor or a Class 4, 5 or 6 felony justify a finding of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings and place the defendant on probation upon such terms and conditions as the court deems proper in the case. Upon fulfillment of the terms and conditions, the court, in its discretion, may discharge the person and dismiss the proceedings without an adjudication of guilt or enter an adjudication of guilt of the original or a lesser charge and impose punishment 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 misdemeanors and certain felonies.*

*Notwithstanding any other provision of law, if the facts in any misdemeanor prosecution or in a Class 4, 5 or 6 felony prosecution justify a finding of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings and place the defendant 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, in its discretion, discharge the person and dismiss the proceedings without an adjudication of guilt or enter an adjudication of guilt of the original or a lesser charge and impose punishment 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.*

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