

VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 276

An Act to amend and reenact § 46.2-940 of the Code of Virginia, relating to procedure upon arrest for a traffic misdemeanor.

[H 1218]

Approved March 30, 2006

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-940 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-940. When arresting officer shall take person before issuing authority.

If any person is: (i) believed by the arresting officer to have committed a felony; (ii) believed by the arresting officer to be likely to disregard a summons issued under § 46.2-936; or (iii) refuses to give a written promise to appear under the provisions of § 46.2-936 or § 46.2-945, the arresting officer shall promptly take him before a magistrate or other issuing authority having jurisdiction ~~to determine whether probable cause exists that such person is likely to disregard a summons and proceed in accordance with the provisions of § 19.2-82.~~ The magistrate or other authority may issue either a summons or warrant as he shall determine proper.