

2007 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

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HOUSE BILL NO. 3007

Offered January 10, 2007

Prefiled January 10, 2007

A BILL to amend § 16.1-271 of the Code of Virginia relating to juvenile certification; only certified upon conviction.

Patrons—Marsden, BaCote, McClellan and Melvin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the § 16.1-271 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-271. Subsequent offenses by juvenile

~~The trial or treatment~~ Conviction of a juvenile as an adult pursuant to the provisions of this chapter shall preclude the juvenile court for taking jurisdiction of such juvenile for subsequent offenses committed by that juvenile.

Any juvenile who is tried and convicted in a circuit court as an adult under the provisions of this article shall be considered and treated as an adult in any criminal proceeding resulting from any alleged future criminal acts and any pending allegations of delinquency which have not been disposed of by the juvenile court at the time of the criminal conviction.

All procedures and dispositions applicable to adults charged with such a criminal offense shall apply in such cases, including, but not limited to, arrest; probable cause determination by a magistrate or grand jury; the use of a warrant, summons, or capias instead of a petition to initiate the case; adult bail; preliminary hearing and right to counsel provisions; trial in a court having jurisdiction over adults; and trial and sentencing as an adult. The provisions of this article regarding a transfer hearing shall not be applicable to such juveniles.

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