

2007 SESSION

INTRODUCED

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SENATE BILL NO. 1066

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact § 19.2-124 of the Code of Virginia, relating to appeal by Commonwealth from order denying bail or fixing terms of bail or recognizance.

Patron—McDougle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-124 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-124. Appeal from order denying bail or fixing terms of bond or recognizance.

A. If a judicial officer denies bail to a person, requires excessive bond, or fixes unreasonable terms of a recognizance under this article, the person may appeal therefrom successively to the next higher court or judge thereof, up to and including the Supreme Court of Virginia or any justice thereof where permitted by law.

B. If a court grants bail to a person or fixes a term of recognizance under this article over the objection of the attorney for the Commonwealth, the attorney for the Commonwealth may appeal therefrom successively to the next higher court or judge thereof, up to and including the Supreme Court of Virginia or any justice thereof. *When there exists a rebuttable presumption against bail pursuant to § 19.2-120 and the court issues an order granting bail or terms of recognizance, then upon motion by the attorney for the Commonwealth, the court shall stay the order, pending appeal by the Commonwealth.*

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