

2008 SESSION

INTRODUCED

086928636

HOUSE BILL NO. 1209

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend and reenact § 19.2-303.4 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 19.2-303.5, relating to ability of a court to defer disposition.

Patron—Melvin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-303.4 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 19.2-303.5 as follows:

§ 19.2-303.4. Payment of costs when proceedings deferred and defendant placed on probation.

A circuit or district court, which has deferred further proceedings, without entering a judgment of guilt, and placed a defendant on probation subject to terms and conditions pursuant to § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251, ~~or~~ 19.2-303.2, *or* 19.2-303.5 shall impose upon the defendant costs.

§ 19.2-303.5. *Deferred disposition in a criminal case.*

Except as provided in §§ 15.1-1812.2, 18.2-57.2, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251 and 19.2-303.2, whenever any person who pleads guilty to or enters a plea of not guilty to any crime, the 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 subject to terms and conditions set by the court; provided that the court state in writing the reason for the deferral. Upon violation of a term or condition, the court may enter an adjudication of guilt or, upon fulfillment of the terms and conditions, may discharge the person and dismiss the proceedings against him without an adjudication of guilt.

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