

2008 SESSION

INTRODUCED

084600604

HOUSE BILL NO. 1369

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend and reenact § 19.2-124 of the Code of Virginia, relating to incarceration of defendant pending appeal of bail, bond, or terms of recognizance by attorney for the Commonwealth.

Patron—Gilbert

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. *If the attorney for the Commonwealth notes an appeal hereunder, the court shall stay the grant of bail, bond, or terms of recognizance pending the appeal.*

C. No filing or service fees shall be assessed or collected for any appeal taken pursuant to this section.

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HB1369