

2009 SESSION

INTRODUCED

080334520

HOUSE BILL NO. 553

Offered January 9, 2008

Prefiled January 7, 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—Griffith

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 §§ 4.1-305, 15.2-1812.2, 16.1-278.8, 16.2-278.9, 18.2-57.3, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-251, and 19.2-303.2, the court may, without entering a judgment of guilt and with the consent of the accused in a criminal case, defer further proceedings and place the accused on probation subject to terms and conditions set by the court. 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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HB553