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HOUSE BILL NO. 291

Offered January 13, 2010

Prefiled January 11, 2010

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

Patron—Griffith

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~~ *judicial officer* grants bail to a person or fixes a term of recognizance under this article ~~over the objection of that is deemed inadequate or unreasonable by the attorney for the Commonwealth,~~ the attorney for the Commonwealth may appeal therefrom successively to *the district court or circuit court in which the case is pending if bail was granted or recognizance fixed by a magistrate or, if granted or fixed by a court, to the next higher court or judge thereof, up to and including the Supreme Court of Virginia or any justice thereof.*

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

INTRODUCED

HB291