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HOUSE BILL NO. 636

Offered January 13, 2010

Prefiled January 12, 2010

A *BILL to amend and reenact § 19.2-124 of the Code of Virginia, relating to appeals from bail, bond, and recognizance determinations.*

Patron—Armstrong

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 bail, bond, or recognizance order.

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 the decision of the judicial officer.

If the initial bail decision on a charge brought by a warrant or district court capias is made by a magistrate, clerk, or deputy clerk, the person shall first appeal to the district court in which the case is pending.

If the initial bail decision on a charge brought by direct indictment or presentment or circuit court capias is made by a magistrate, clerk, or deputy clerk, the person shall first appeal to the circuit court in which the case is pending.

If the appeal of an initial bail decision is taken on any charge originally pending in a district court after that charge has been appealed, certified, or transferred to a circuit court, the person shall first appeal to the circuit court in which the case is pending.

Any bail decision made by a judge of a court may be appealed successively by the person to the next higher court, up to and including the Supreme Court of Virginia, 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 The attorney for the Commonwealth may appeal therefrom successively a bail, bond or recognizance decision to the next higher same court or judge thereof, up to and including the Supreme Court of Virginia or any justice thereof to which the accused person is required to appeal under subsection A.

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

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HB636