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HOUSE BILL NO. 51

Offered January 11, 2012

Prefiled December 19, 2011

A *BILL to amend the Code of Virginia by adding a section numbered 19.2-298.02, relating to court authority to defer and dismiss a criminal case.*

Patron—Albo

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-298.02 as follows:

§ 19.2-298.02. Deferred disposition in a criminal case.

Except as otherwise provided law, a trial court presiding in a criminal case shall, unless all parties agree to a waiver of the requirement, either announce a judgment of conviction or acquittal in the presence of all parties or enter a written order of conviction or acquittal to be supplied to all parties (i) within 72 hours of entry of a plea of guilty or nolo contendere by the defendant; (ii) in a jury trial, within 72 hours of the return of a jury verdict in the guilt phase; or (iii) in a bench trial, within 72 hours of the conclusion of the presentation of evidence and argument by the parties. Upon its announcement of, or entry of a written order of, conviction, the court shall make prompt arrangements to proceed to sentencing.

If circumstances exist that render the court unable to comply with the 72-hour deadline or that justify further consideration of a material matter, the court may, upon notice to all parties, delay announcement of the verdict or entry of the written order for 21 additional days.

If the court declares a mistrial and a new trial is permissible, the court shall arrange for a new trial without undue delay.

INTRODUCED

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