

# 2012 SESSION

## HOUSE SUBSTITUTE

12104420D

### HOUSE BILL NO. 750

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 3, 2012)

(Patrons Prior to Substitute—Delegates Cline and Albo [HB 51])

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

**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.*

*No court shall have the authority, upon a plea of guilty or nolo contendere or after a plea of not guilty, when the facts found by the court would justify a finding of guilt, to defer proceedings or to defer entry of a final order of guilt or to dismiss the case upon completion of terms and conditions unless (i) such deferred judgment is provided for by statute or (ii) all parties agree to such deferred judgment.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 890 of the Acts of Assembly of 2011 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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