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HOUSE BILL NO. 1919

Offered January 9, 2013

Prefiled January 9, 2013

A *BILL to amend the Code of Virginia by adding sections numbered 19.2-327.2:1 and 19.2-327.10:1, relating to joint petition for writ of actual innocence by convicted felon and attorney for the Commonwealth.*

Patron—Herring

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 sections numbered 19.2-327.2:1 and 19.2-327.10:1 as follows:

§ 19.2-327.2:1. *Petition for writ of actual innocence joined by attorney for the Commonwealth; release of prisoner; bond hearing.*

The attorney for the Commonwealth of the jurisdiction wherein the person was convicted may join in a petition for a writ of actual innocence made pursuant to § 19.2-327.2. When such petition is so joined, the petitioner may file a copy of the petition and attachments thereto with the circuit court that entered the felony conviction and move the court for a hearing to consider release of the person on bail pursuant to Chapter 9 (§ 19.2-119 et seq.). Upon hearing and for good cause shown, the court may order the person released from custody subject to the terms and conditions of bail so established, pending a ruling by the Court on the writ under § 19.2-327.5.

§ 19.2-327.10:1. *Petition for writ of actual innocence joined by attorney for the Commonwealth; release of prisoner; bond hearing.*

The attorney for the Commonwealth of the jurisdiction wherein the person was convicted may join in a petition for a writ of actual innocence made pursuant to § 19.2-327.10. When such petition is so joined, the petitioner may file a copy of the petition and attachments thereto with the circuit court that entered the felony conviction and move the court for a hearing to consider release of the person on bail pursuant to Chapter 9 (§ 19.2-119 et seq.). Upon hearing and for good cause shown, the court may order the person released from custody subject to the terms and conditions of bail so established, pending a ruling by the Court on the writ under § 19.2-327.13.

INTRODUCED

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