

13103929D

HOUSE BILL NO. 2293

Offered January 17, 2013

A BILL to amend and reenact § 19.2-121 of the Code of Virginia, relating to fixing minimum financial conditions of bail.

Patron—Wilt

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-121 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-121. Fixing terms of bail.**

If the person is admitted to bail, the terms thereof shall be such as, in the judgment of any official granting or reconsidering the same, will be reasonably fixed to assure the appearance of the accused and to assure his good behavior pending trial. The judicial officer shall take into account (i) the nature and circumstances of the offense; (ii) whether a firearm is alleged to have been used in the offense; (iii) the weight of the evidence; (iv) the financial resources of the accused or juvenile and his ability to pay bond; (v) the character of the accused or juvenile including his family ties, employment or involvement in education; (vi) his length of residence in the community; (vii) his record of convictions; (viii) his appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings; (ix) whether the person is likely to obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness, juror, or victim; and (x) any other information available which the court considers relevant to the determination of whether the accused or juvenile is unlikely to appear for court proceedings.

Any judicial officer fixing terms of bail shall presume, subject to rebuttal, that the following minimum financial conditions are necessary to assure the appearance of the accused and to assure his good behavior pending trial:

1. Any person charged with a Class 1 or Class 2 misdemeanor shall have bail fixed at an amount not less than \$1,000, secured or unsecured.

2. Any person charged with a Class 6 felony shall have bail fixed at an amount not less than \$5,000, secured.

3. Any person charged with a Class 5 felony shall have bail fixed at an amount not less than \$10,000, secured.

4. Any person charged with a Class 4 felony shall have bail fixed at an amount not less than \$25,000, secured.

5. Any person charged with a Class 3 felony shall have bail fixed at an amount not less than \$50,000, secured.

6. Any person charged with a Class 1 or Class 2 felony shall have bail fixed at an amount not less than \$100,000, secured.

7. Any person charged with a felony that is unclassified shall have bail fixed at an amount not less than \$10,000, secured.

In any case where the accused has appeared and otherwise met the conditions of bail, no bond therefor shall be used to satisfy fines and costs unless agreed to by the person who posted such bond.

INTRODUCED

HB2293