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HOUSE BILL NO. 452

Offered January 8, 2014

Prefiled January 5, 2014

A *BILL to amend and reenact § 19.2-254 of the Code of Virginia, relating to arraignment; pleas; when court may refuse to accept plea; withdrawal of plea; recusal.*

Patron—Bell, Robert B.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-254 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-254. Arraignment; pleas; when court may refuse to accept plea; withdrawal of plea; recusal.

Arraignment shall be conducted in open court. It shall consist of reading to the accused the charge on which he will be tried and calling on him to plead thereto. In a felony case, arraignment is not necessary when waived by the accused. In a misdemeanor case, arraignment is not necessary when waived by the accused or his counsel, or when the accused fails to appear.

An accused may plead not guilty, guilty or nolo contendere. The court may refuse to accept a plea of guilty to any lesser offense included in the charge upon which the accused is arraigned; but, in misdemeanor and felony cases the court shall not refuse to accept a plea of nolo contendere.

With the approval of the court and the consent of the Commonwealth, a defendant may enter a conditional plea of guilty in a felony case, reserving the right, on appeal from the judgment, to a review of the adverse determination of any specified pretrial motion. If the defendant prevails on appeal, he shall be allowed to withdraw his plea.

Where any judge allows a defendant in any criminal matter in any court within the Commonwealth to withdraw a plea of guilty or nolo contendere, unless the parties agree otherwise, he shall immediately recuse himself from any further proceedings on the same matter and shall assign the case to another judge of the same court.

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