

# 2014 SESSION

INTRODUCED

14101304D

1                   **HOUSE BILL NO. 452**

2                   Offered January 8, 2014

3                   Prefiled January 5, 2014

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

6                   Patron—Bell, Robert B.

7                   Referred to Committee for Courts of Justice

8                   **Be it enacted by the General Assembly of Virginia:**

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

10                  **§ 19.2-254. Arraignment; pleas; when court may refuse to accept plea; withdrawal of plea;**  
11                  **recusal.**

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

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

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

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

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