

14102514D

HOUSE BILL NO. 613

Offered January 8, 2014

Prefiled January 7, 2014

A *BILL to amend and reenact § 22.1-263 of the Code of Virginia, relating to violations of compulsory school attendance laws; penalty.*

Patron—Robinson

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-263 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-263. Violation constitutes misdemeanor.

A. Any person violating the provisions of either § 22.1-254, except for clause (ii) of subsection A, §§ 22.1-255, 22.1-258, or 22.1-267, or the parental responsibility provisions relating to compulsory school attendance included in § 22.1-279.3, shall be is guilty of a Class 3 misdemeanor. Upon a finding that a person knowingly and willfully violated any provision of § 22.1-254, except for clause (ii) of subsection A, or any provision of §§ 22.1-255, 22.1-258, or § 22.1-267 and that such person has been convicted previously of a violation of any provision of § 22.1-254, except for clause (ii) of subsection A, or any provision of §§ 22.1-255, 22.1-258 or § 22.1-267, such person shall be and may be confined not more than 30 days or fined not more than \$500 or both. Any person, upon a second or subsequent conviction of a violation of the provisions of § 22.1-254, except for clause (ii) of subsection A, § 22.1-255, 22.1-258, or 22.1-267, or the parental responsibility provisions relating to compulsory school attendance included in § 22.1-279.3 is guilty of a Class 2 misdemeanor.

B. Whenever any person who has not previously (i) been convicted of a violation of § 22.1-254, except for clause (ii) of subsection A, § 22.1-255, 22.1-258, or 22.1-267, or the parental responsibility provisions relating to compulsory school attendance included in § 22.1-279.3 or (ii) had a proceeding for violations of such provisions dismissed pleads guilty or enters a plea of not guilty, the court may defer further proceedings subject to terms and conditions set by the court without entering a judgment of guilt, with the consent of the accused, if the facts found by the court would justify a finding of guilt. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt.

INTRODUCED

HB613