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SENATE BILL NO. 34

Offered January 8, 2014

Prefiled December 12, 2013

A BILL to amend and reenact § 19.2-158 of the Code of Virginia, relating to bail hearings.

Patron—Stanley

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-158 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-158. When person not free on bail shall be informed of right to counsel and amount of bail.**

Every person charged with an offense described in § 19.2-157, who is not free on bail or otherwise, shall be brought before the judge of a court not of record, unless the circuit court issues process commanding the presence of the person, in which case the person shall be brought before the circuit court, on the first day on which such court sits after the person is charged, at which time the judge shall inform the accused of the amount of his bail and his right to counsel. *If the court not of record sits on a day prior to the scheduled sitting of the court which issued process, the person shall be brought before the court not of record.* The court shall also hear and consider motions by the person or Commonwealth relating to bail or conditions of release pursuant to Article 1 (§ 19.2-119 et seq.) of Chapter 9 of this title. ~~If the court not of record sits on a day prior to the scheduled sitting of the court which issued process, the person shall be brought before the court not of record~~ *Absent good cause shown, a hearing on bail or conditions of release shall be held as soon as practicable but in no event later than three calendar days, excluding Saturdays, Sundays, and legal holidays, following the making of such motion.*

No hearing on the charges against the accused shall be had until the foregoing conditions have been complied with, and the accused shall be allowed a reasonable opportunity to employ counsel of his own choice, or, if appropriate, the statement of indigence provided for in § 19.2-159 may be executed.

INTRODUCED

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