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**SENATE BILL NO. 528**

Offered January 8, 2014

Prefiled January 8, 2014

*A BILL to amend and reenact § 19.2-71 of the Code of Virginia, relating to issuance of warrants for certain persons by a magistrate.*

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Patron—Stuart

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Referred to Committee for Courts of Justice

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

**1. That § 19.2-71 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-71. Who may issue process of arrest.**

A. Process for the arrest of a person charged with a criminal offense may be issued by the judge, or clerk of any circuit court, any general district court, any juvenile and domestic relations district court, or any magistrate as provided for in Chapter 3 (§ 19.2-26 et seq.) of this title. However, no magistrate may issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the attorney for the Commonwealth or by a law-enforcement agency having jurisdiction over the alleged offense. *In addition, no magistrate may issue an arrest warrant for a misdemeanor offense where the accused is an elected official, judge, magistrate, law-enforcement officer, public school teacher, firefighter, or court employee and the alleged offense is directly related to his employment or service as such, upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer until the magistrate has requested and received the results of an investigation by a law-enforcement agency having jurisdiction over the alleged offense.*

B. No law-enforcement officer shall seek issuance of process by any judicial officer, for the arrest of a person for the offense of capital murder as defined in § 18.2-31, without prior authorization by the attorney for the Commonwealth. Failure to comply with the provisions of this subsection shall not be (i) a basis upon which a warrant may be quashed or deemed invalid, (ii) deemed error upon which a conviction or sentence may be reversed or vacated, or (iii) a basis upon which a court may prevent or delay execution of sentence.

INTRODUCED

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