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HOUSE BILL NO. 2452

House Amendments in [] — January 24, 2019

A BILL to amend and reenact §§ 16.1-69.24 and 18.2-456 of the Code of Virginia, relating to contempt of court; failure to appear.

Patron Prior to Engrossment—Delegate Adams, L.R.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.24 and 18.2-456 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.24. Contempt of court.

A. A judge of a district court shall have the same powers and jurisdiction as a judge of a circuit court to punish summarily for contempt, but in no case shall the fine exceed \$250 and imprisonment exceed ~~ten~~ 10 days for the same contempt. From any such fine or sentence, there shall be an appeal of right within the period prescribed in this title and to the court or courts designated therein for appeals in other cases, and the proceedings on such appeal shall conform in all respects to the provisions of §§ 18.2-456 through 18.2-459.

B. Any person charged with a felony offense, misdemeanor offense, or released on a summons pursuant to § 19.2-73 or 19.2-74 who fails to appear before any court or judicial officer as required shall not be punished for contempt under this provision but may be punished for such contempt under subdivision A 6 of § 18.2-456.

§ 18.2-456. Cases in which courts and judges may punish summarily for contempt.

A. The courts and judges may issue attachments for contempt, and punish them summarily, only in the following cases following:

(1) 1. Misbehavior in the presence of the court, or so near thereto as to obstruct or interrupt the administration of justice;

(2) 2. Violence, or threats of violence, to a judge or officer of the court, or to a juror, witness, or party going to, attending, or returning from the court, for or in respect of any act or proceeding had, or to be had, in such court;

(3) 3. Vile, contemptuous, or insulting language addressed to or published of a judge for or in respect of any act or proceeding had, or to be had, in such court, or like language used in his presence and intended for his hearing for or in respect of such act or proceeding;

(4) 4. Misbehavior of an officer of the court in his official character;

(5) 5. Disobedience or resistance of an officer of the court, juror, witness, or other person to any lawful process, judgment, decree, or order of the court; and

6. [~~Failure~~ Willful failure] to appear before any court or judicial officer as required after having been charged with a felony offense or misdemeanor offense or released on a summons pursuant to § 19.2-73 or 19.2-74.

B. The judge shall indicate, in writing, under which subdivision in subsection A a person is being charged and punished for contempt.

C. Nothing in subdivision A 6 shall be construed to prohibit prosecution under § 19.2-128.

ENGROSSED

HB2452E