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HOUSE BILL NO. 1592

Offered January 15, 2020

A *BILL to amend and reenact § 19.2-303.2 of the Code of Virginia, relating to deferred dispositions; first offense larceny.*

Patrons—Cole, M.L. (By Request) and Cole, J.G.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-303.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-303.2. Persons charged with first offense may be placed on probation.

Whenever any person who has not previously been convicted of any felony pleads guilty to or enters a plea of not guilty to any crime against property constituting a misdemeanor, under ~~Articles~~ Article 5 (§ 18.2-119 *et seq.*), 6 (§ 18.2-137 *et seq.*), 7 and (§ 18.2-144 *et seq.*), or 8 (§ 18.2-153 *et seq.*) of Chapter 5 (~~§ 18.2-119 et seq.~~) of Title 18.2, or whenever any person who has not previously been convicted of any felony or has not had a proceeding against him for violation of such offense dismissed as provided in this section pleads guilty to or enters a plea of not guilty to any crime against property constituting a misdemeanor under Article 3 (§ 18.2-95 *et seq.*) of Chapter 5 of Title 18.2, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation subject to terms and conditions, which may include restitution for losses caused, set by the court. If the court defers further proceedings for an offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390, at that time the court shall determine whether the clerk of court has been provided with the fingerprint identification information or fingerprints of the accused, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints and photograph of the accused be taken by a law-enforcement officer. 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, and upon determining that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person for an offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purpose of applying this section in subsequent proceedings.

INTRODUCED

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