

2022 SESSION

INTRODUCED

22103605D

HOUSE BILL NO. 1241

Offered January 19, 2022

A BILL to amend the Code of Virginia by adding a section numbered 19.2-298.03, relating to Pretrial Intervention and Diversion Program.

Patrons—Avoli, Maldonado, Plum, Rasoul and Williams; Senator: Deeds

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-298.03 as follows:

§ 19.2-298.03. *Pretrial Intervention and Diversion Program.*

A. The attorney for the Commonwealth for each judicial circuit of the Commonwealth is authorized to create and administer a Pretrial Intervention and Diversion Program (the Program). It is the purpose of such a program to provide an alternative to prosecuting offenders in the criminal justice system.

B. Entry into the Program shall be at the discretion of the attorney for the Commonwealth based upon written guidelines. The attorney for the Commonwealth implementing such Program shall create written guidelines for acceptance into and administration of the program. These guidelines shall include consideration of the following:

1. The nature of the crime;

2. The prior arrest record of the offender; and

3. The notification and response of the victim.

C. No attorney for the Commonwealth shall accept any offender into the Program for an offense for which the punishment includes a mandatory minimum sentence of imprisonment.

D. The attorney for the Commonwealth is authorized to assess and collect from each offender who enters the Program a fee not to exceed \$300 for the administration of the Program. Any fee collected under this subsection shall be paid into the general fund of the locality in which the Program is administered.

E. The attorney for the Commonwealth is authorized to collect restitution on behalf of victims. Any restitution collected under this subsection may be enforced and disbursed pursuant to the provisions of §§ 19.2-305.1 and 19.2-305.2.

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