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HOUSE BILL NO. 756

House Amendments in [] — February 2, 2022

A *BILL to amend and reenact § 19.2-121 of the Code of Virginia, relating to bail for a person accused of a crime that is an act of violence; notice to attorney for the Commonwealth.*

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 § 19.2-121 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-121. Fixing terms of bail.

A. If the person is admitted to bail, the terms thereof shall be such as, in the judgment of any official granting or reconsidering the same, will be reasonably fixed to ~~assure~~ *ensure* the appearance of the accused and to ~~assure~~ *ensure* his good behavior pending trial. The judicial officer shall take into account (i) the nature and circumstances of the offense; (ii) whether a firearm is alleged to have been used in the offense; (iii) the weight of the evidence; (iv) the financial resources of the accused or juvenile and his ability to pay bond; (v) the character of the accused or juvenile including his family ties, employment or involvement in education; (vi) his length of residence in the community; (vii) his record of convictions; (viii) his appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings; (ix) whether the person is likely to obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness, juror, or victim; and (x) any other information available which the court considers relevant to the determination of whether the accused or juvenile is unlikely to appear for court proceedings.

B. When a magistrate conducts a bail hearing for a person arrested on a warrant or capias for a jailable offense, the magistrate shall describe the information considered under subsection A on a form provided by the Executive Secretary of the Supreme Court and shall transmit the completed form to the circuit court or district court before which the warrant or capias is returnable, *and if such jailable offense is an act of violence as defined in § 19.2-297.1, then such magistrate shall transmit [within 24 hours a copy of] the completed form to the attorney for the Commonwealth for the jurisdiction where the warrant or capias [~~was issued~~ is returnable] . [Transmission of such copy to the attorney for the Commonwealth may be by facsimile or other electronic means.]*

C. In any case where the accused has appeared and otherwise met the conditions of bail, no bond therefor shall be used to satisfy fines and costs unless agreed to by the person who posted such bond.

ENGROSSED

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