

1995 SESSION

INTRODUCED

LD1323198

HOUSE BILL NO. 1460

Offered January 11, 1995

Prefiled January 10, 1995

A BILL to amend and reenact § 46.2-943 of the Code of Virginia, relating to consideration of a defendant's prior traffic record before sentencing.

Patron—Davies

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-943 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-943. Court or jury may consider defendant's prior traffic record before sentencing.

The term "traffic offense" when used in this section shall mean any moving traffic violation described or enumerated in subdivisions 1 and 2 of § 46.2-382, whether such violation was committed within or outside the Commonwealth according to the records of the Department of Motor Vehicles.

The term "prior traffic record" when used in this section shall mean the record of prior suspensions and revocations of a driver's license, and the record of prior convictions of traffic offenses described in the foregoing provisions of this section.

When any person is found guilty of a traffic offense, the court or jury trying the case may consider the prior traffic record of the defendant before imposing sentence as provided by law. After the prior traffic record of the defendant has been introduced, the defendant shall be afforded an opportunity to present evidence limited to showing the nature of his prior convictions, suspensions, and revocations and, if the current offense involves a violation of § 18.2-266, testimony may be offered in mitigation to show the offender's efforts to rehabilitate himself.

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