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HOUSE BILL NO. 519

Offered January 18, 1996

A BILL to amend and reenact § 16.1-269.3 of the Code of Virginia, as it is currently effective and as it may become effective, relating to transfer of juvenile criminal cases.

Patrons—Reynolds and Armstrong; Senator: Goode

Referred to Committee for Courts of Justice**Be it enacted by the General Assembly of Virginia:**

1. That § 16.1-269.3 of the Code of Virginia, as it is currently effective and as it may become effective, is amended and reenacted as follows:

§ 16.1-269.3. Retention by juvenile court; appeal by Commonwealth.

If the case is not transferred, the judge who conducted the hearing ~~shall not, over the objection of any interested party,~~ may preside at the adjudicatory hearing on the petition; ~~but rather it shall be presided over by another judge of that court.~~ If the attorney for the Commonwealth deems it to be in the public interest, and the juvenile is fourteen years of age or older and is charged with an offense which, if committed by an adult, would be punishable by death or confinement in a state correctional facility for life or a maximum period of twenty years or more, he may, within ten days after the juvenile court's final decision to retain the case, file a notice of appeal of the decision to the appropriate circuit court. A copy of such notice shall be furnished at the same time to the counsel for the juvenile.

§ 16.1-269.3. (Delayed effective date) Retention by family court; appeal by Commonwealth.

If the case is not transferred, the judge who conducted the hearing ~~shall not, over the objection of any interested party,~~ may preside at the adjudicatory hearing on the petition; ~~but rather it shall be presided over by another judge of that court.~~ If the attorney for the Commonwealth deems it to be in the public interest, and the juvenile is fourteen years of age or older and is charged with an offense which, if committed by an adult, would be punishable by death or confinement in a state correctional facility for life or a maximum period of twenty years or more, he may, within ten days after the family court's final decision to retain the case, file a notice of appeal of the decision to the appropriate circuit court. A copy of such notice shall be furnished at the same time to the counsel for the juvenile.

INTRODUCED

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