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SENATE BILL NO. 486

Senate Amendments in [] — February 13, 1996

A BILL to amend and reenact § 19.2-120 of the Code of Virginia, relating to bail.

Patron—Howell

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-120 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-120. Right to bail; use of bond to satisfy fines and costs.

An accused, or juvenile taken into custody pursuant to § 16.1-246 who is held in custody pending trial or hearing for an offense, civil or criminal contempt, or otherwise shall be admitted to bail by a judicial officer as defined in § 19.2-119, unless there is probable cause to believe that:

1. He will not appear for trial or hearing or at such other time and place as may be directed, or

2. His liberty will constitute an unreasonable danger to himself or the public.

If the judicial officer finds probable cause to believe that the defendant committed an offense listed in subsection B of § 18.2-67.5:2 and finds by clear and convincing evidence that the defendant had previously been convicted of any one of those offenses, the [~~court~~ judicial officer] shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public.

The judicial officer shall inform the accused or juvenile of his right to appeal from the order denying bail or fixing terms of bond or recognizance consistent with § 19.2-124.

ENGROSSED

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