

1998 SESSION

INTRODUCED

982575728

SENATE BILL NO. 366

Offered January 22, 1998

A BILL to amend and reenact § 16.1-133.1 of the Code of Virginia, as it is currently effective and as it may become effective, relating to reopening district court case after conviction.

Patron—Reynolds

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-133.1 of the Code of Virginia, as it is currently effective and as it may become effective, is amended and reenacted as follows:

§ 16.1-133.1. (For effective date - See note) Reopening case after conviction.

Within sixty days from the date of conviction of any person in a general district court or juvenile and domestic relations district court for an offense not felonious, ~~the a case which has not been appealed or for which the appeal has been withdrawn within ten days after the conviction~~ may be reopened upon the application of such person and for good cause shown. Such application shall be heard by the judge who presided at the trial in which the conviction was had, but if he ~~be~~ is not in office, or ~~be~~ is absent from the county or city or is otherwise unavailable to hear the application, it may be heard by his successor or by any other judge or substitute judge of such court. ~~If the case is reopened after the case documents have been filed with the circuit court, the clerk of the circuit court shall return the case documents to the district court in which the case was originally tried.~~

§ 16.1-133.1. (Delayed effective date - See notes) Reopening case after conviction.

Within sixty days from the date of conviction of any person in a general district court or family court for an offense not felonious, ~~the a case which has not been appealed or for which the appeal has been withdrawn within ten days after the conviction~~ may be reopened upon the application of such person and for good cause shown. Such application shall be heard by the judge who presided at the trial in which the conviction was had, but if he ~~be~~ is not in office, or ~~be~~ is absent from the county or city or is otherwise unavailable to hear the application, it may be heard by his successor or by any other judge or substitute judge of such court. ~~If the case is reopened after the case documents have been filed with the circuit court, the clerk of the circuit court shall return the case documents to the district court in which the case was originally tried.~~

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