

1998 SESSION

INTRODUCED

988392661

SENATE BILL NO. 711

Offered January 28, 1998

A BILL to amend the Code of Virginia by adding a section numbered 19.2-8.1, relating to deferral, discharge and dismissal in criminal cases.

Patron—Gartlan

Consent to introduce

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-8.1 as follows:

§ 19.2-8.1. Authority to defer, discharge and dismiss in traffic cases.

At any time before entry of a plea of guilty or not guilty in a traffic case, if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, the court may defer further proceedings, place the defendant on probation and impose such terms and conditions upon the defendant as to the court seem proper under the circumstances of the case. Upon violation of a term of condition, the court may enter an adjudication of guilt and proceed with the case as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings.

Discharge and dismissal under this section shall be without adjudication of guilt and shall be a conviction only for the purposes of applying this section in a subsequent proceeding.

INTRODUCED

SB711