

988392661

SENATE BILL NO. 711

Senate Amendments in [] — February 17, 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~~ upon] entry of a plea of guilty or not guilty in a [~~traffic case~~ case in which a person is charged with a traffic infraction as defined in § 46.2-100 or with a violation of Title 46.2 punishable by a civil penalty or fine or with a misdemeanor violation of Title 46.2 involving the operation of a motor vehicle, except any such offense which (i) involves the operation of a motor vehicle while under the influence of alcohol or drugs, or both, or any other intoxicant, or (ii) is punishable as reckless driving] , 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.

ENGROSSED

SB711E