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HOUSE BILL NO. 1433

House Amendments in [] — February 9, 1999

A *BILL to amend and reenact § 19.2-76 of the Code of Virginia, relating to execution and return of warrant.*

Patron—Jones, J.C.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-76 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-76. Execution and return of warrant, *capias* or summons; arrest outside county or city where charge is to be tried.

A law-enforcement officer may execute within his jurisdiction a warrant, *capias* or summons issued anywhere in the Commonwealth. A warrant or *capias* shall be executed by the arrest of the accused, and a summons shall be executed by delivering a copy to the accused personally.

If the accused is a corporation, partnership, unincorporated association or legal entity other than an individual, a summons may be executed by service on the entity in the same manner as provided in Title 8.01 for service of process on that entity in a civil proceeding. However, if the summons is served on the entity by delivery to a registered agent or to any other agent who is not an officer, director, managing agent or employee of the entity, such agent shall not be personally subject to penalty for failure to appear as provided in § 19.2-128, nor shall the agent be subject to punishment for contempt for failure to appear under his summons as provided in § 19.2-129.

The law-enforcement officer executing a warrant or *capias* shall endorse the date of execution thereon and make return thereof to a judicial officer. The law-enforcement officer executing a summons shall endorse the date of execution thereon and make return thereof to the court to which the summons is returnable.

Whenever a person is arrested upon a warrant or *capias* in a county or city other than that in which the charge is to be tried, the law-enforcement officer making the arrest must shall either (i) bring the accused forthwith before a judicial officer in the locality where the arrest was made or where the charge is to be tried or (ii) commit the accused to the custody of an officer from the county or city where the charge is to be tried who shall bring the accused forthwith before a judicial officer in the county or city in which the charge is to be tried. The judicial officer before whom the accused is brought shall immediately conduct a bail hearing and either admit the accused to bail or commit him to jail for transfer forthwith to the county or city where the charge is to be tried.

Whenever the accused is an inmate in the custody of the Virginia Department of Corrections, the judicial officer in the locality issuing the warrant or capias shall at the same time issue an order to the Director of the Department of Corrections to deliver such inmate to the sheriff of the county or city who shall go to the facility where the inmate is held and return him to the locality issuing the warrant or capias, as the case may be. Such order shall be served upon the Director of the Department of Corrections immediately following execution of the warrant or capias. The officer making the arrest shall bring the accused forthwith before a judicial officer in the locality where the warrant or capias was issued. [Following the pre-trial hearings conducted pursuant to this section, the locality may, in its discretion, return the inmate to the Department of Correction's facility or retain custody of the inmate until such time as the matter is concluded.]

ENGROSSED

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