

# VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION

## CHAPTER 615

*An Act to amend and reenact § 18.2-459 of the Code of Virginia, relating to summary contempt appeal.*

[S 870]

Approved March 20, 2013

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-459 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-459. Appeal from sentence of such judge.**

Any person sentenced to pay a fine, or to confinement, under § 18.2-458, may appeal therefrom to the circuit court of the county or city in which the sentence was pronounced, upon entering into recognizance before the sentencing judge, with surety and in penalty deemed sufficient, to appear before such circuit court to answer for the offense. If such appeal be taken, a certificate of the conviction and the particular circumstances of the offense, together with the recognizance, shall forthwith be transmitted by the sentencing judge to the clerk of such circuit court, who shall immediately deliver the same to the judge thereof. Such judge, *sitting without a jury*, ~~may~~ *shall* hear the case upon the certificate and any legal testimony adduced on either side, and make such order therein as may seem to him proper.