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**HOUSE BILL NO. 1311**

Offered January 9, 2013

Prefiled September 21, 2012

*A BILL to amend and reenact § 19.2-124 of the Code of Virginia, relating to release of accused pending appeal of bond decision by the Commonwealth.*

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Patrons—Hope and Morris

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Referred to Committee for Courts of Justice

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**Be it enacted by the General Assembly of Virginia:****1. That § 19.2-124 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-124. Appeal from bail, bond, or recognizance order.**

A. If a judicial officer denies bail to a person, requires excessive bond, or fixes unreasonable terms of a recognizance under this article, the person may appeal the decision of the judicial officer.

If the initial bail decision on a charge brought by a warrant or district court *capias* is made by a magistrate, clerk, or deputy clerk, the person shall first appeal to the district court in which the case is pending.

If the initial bail decision on a charge brought by direct indictment or presentment or circuit court *capias* is made by a magistrate, clerk, or deputy clerk, the person shall first appeal to the circuit court in which the case is pending.

If the appeal of an initial bail decision is taken on any charge originally pending in a district court after that charge has been appealed, certified, or transferred to a circuit court, the person shall first appeal to the circuit court in which the case is pending.

Any bail decision made by a judge of a court may be appealed successively by the person to the next higher court, up to and including the Supreme Court of Virginia, where permitted by law.

B. The attorney for the Commonwealth may appeal a bail, bond, or recognizance decision to the same court to which the accused person is required to appeal under subsection A. *The accused person shall not be released upon the bail, bond or recognizance decision that is the subject of such appeal pending the decision of the court hearing the appeal, provided the appeal is heard before the completion of the next day that the court is in session.*

C. No filing or service fees shall be assessed or collected for any appeal taken pursuant to this section.

INTRODUCED

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