

2018 SESSION

INTRODUCED

18101075D

HOUSE BILL NO. 546

Offered January 10, 2018

Prefiled January 8, 2018

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-95.1, relating to grand larceny; first offenders; sentence reduction.*

Patrons—Freitas and Cole

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-95.1 as follows:

§ 18.2-95.1. Grand larceny; persons charged with first offense.

A. When a person is charged with (i) larceny in violation of clause (ii) of § 18.2-95 or conspiracy to commit larceny in violation of § 18.2-23 where the value of the property involved is less than \$1,000 or (ii) any offense deemed to be or punished as larceny under any provision of the Code where the value of the property involved is at least \$200 and less than \$1,000, the court, without entering a judgment of guilt, may defer the proceedings against such person for a period of 60 days on the condition that he pay restitution in the amount of two times the value of the property involved.

B. For a person to be eligible for such deferral, the court shall find that (i) the person has not previously been convicted of any offense of larceny or any offense deemed to be or punished as larceny under any provision of the Code or under any statute of the United States or of any state or any ordinance of any local government, (ii) the person has not previously had a proceeding against him for violation of an offense set forth in subsection A reduced as provided in this section, and (iii) the person pleads guilty to, or enters a plea of not guilty or nolo contendere and the court finds the evidence is sufficient to find the person guilty of, an offense set forth in subsection A.

C. If the amount of restitution established pursuant to subsection A is not paid in full in the 60-day period, the court may enter an adjudication of guilt upon the felony and proceed as otherwise provided. If the amount of restitution established pursuant to subsection A is paid in full in the 60-day period, the court shall find the defendant guilty of a Class 1 misdemeanor.

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