

# 2020 SPECIAL SESSION I

INTRODUCED

20200387D

## HOUSE BILL NO. 5062

Offered August 18, 2020

Prefiled August 18, 2020

*A BILL to amend and reenact § 19.2-265.6 of the Code of Virginia, relating to dismissal of criminal charges on Commonwealth's motion.*

Patrons—Mullin, Lindsey, Reid, Hope, Carr, Helmer, Kory, Levine, Lopez, Plum, Price and Willett

Referred to Committee for Courts of Justice

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

**1. That § 19.2-265.6 of the Code of Virginia is amended and reenacted as follows:**

**§ 19.2-265.6. Dismissal of criminal charges on Commonwealth's motion; effect of dismissal of criminal charges.**

*A. Upon motion of the Commonwealth to dismiss a charge, whether with or without prejudice, and with the consent of the defendant, a court shall grant the motion unless the court finds by clear and convincing evidence that the motion was made as the result of (i) bribery or (ii) animus toward a victim as defined in § 19.2-11.01 because of the race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin of the victim.*

*B. No dismissal of any criminal charge by a court shall bar subsequent prosecution of the charge unless jeopardy attached at the earlier proceeding or unless the dismissal order explicitly states that the dismissal is with prejudice.*

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