

LD6440360

HOUSE BILL NO. 1737

Offered January 18, 1995

A BILL to amend and reenact § 15.1-8.1, and § 16.1-232 as it is currently effective and as it may become effective, of the Code of Virginia, relating to prosecution of misdemeanors.

Patron—Moore

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 15.1-8.1, and § 16.1-232 as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted as follows:**

§ 15.1-8.1. Duties of attorneys for the Commonwealth and their assistants.

A. No attorney for the Commonwealth, or assistant attorney for the Commonwealth, shall be required to carry out any duties as a part of his office in civil matters of advising the governing body and all boards, departments, agencies, officials and employees of his county or city, of drafting or preparing county or city ordinances, of defending or bringing actions in which the county or city, or any of its boards, departments or agencies, or officials and employees thereof, shall be a party, or in any other manner advising or representing the county or city, its boards, departments, agencies, officials and employees, except in matters involving the enforcement of the criminal law within the county or city.

B. The attorney for the Commonwealth and assistant attorney for the Commonwealth shall be a part of the department of law enforcement of the county or city in which he is elected or appointed, and shall have the duty and powers imposed upon him by general law, including the duty of prosecuting all warrants, indictments or informations charging felony and he may in his discretion, prosecute Class 1, 2 and 3 misdemeanors, or any other violation, the conviction of which carries a penalty of confinement in jail, or a fine of \$500 or more, or both such confinement and fine; *however, a court may require him to prosecute a misdemeanor it deems violent.* ~~He~~ The attorney for the Commonwealth shall enforce all forfeitures, and carry out all duties imposed upon him by § 2.1-639.23.

§ 16.1-232. Attorney for the Commonwealth to prosecute certain cases and represent Commonwealth on appeal.

The attorney for the Commonwealth shall prosecute felony charges before the juvenile court, unless relieved of such responsibility by order of the court. In his discretion, the attorney for the Commonwealth may prosecute misdemeanor charges before such court *unless required by the court to prosecute a misdemeanor it deems violent.*

The attorney for the Commonwealth shall represent the Commonwealth in all cases appealed from the juvenile and domestic relations district court to the circuit court.

§ 16.1-232. (Delayed effective date) Attorney for the Commonwealth to prosecute certain cases and represent Commonwealth on appeal.

The attorney for the Commonwealth shall prosecute felony charges before the family court, unless relieved of such responsibility by order of the court. In his discretion, the attorney for the Commonwealth may prosecute misdemeanor charges before such court *unless required by the court to prosecute a misdemeanor it deems violent.*

The attorney for the Commonwealth shall represent the Commonwealth in all cases appealed from the family court to the circuit court.

INTRODUCED

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