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HOUSE BILL NO. 2242

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 24, 2025)

(Patron Prior to Substitute—Delegate Callsen)

A BILL to amend and reenact § 53.1-149 of the Code of Virginia, relating to arrest of probationer without a warrant; timeframe for service of process.

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-149 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-149. Arrest of probationer without warrant; written statement; timeframe for service of process.

A. Any probation officer appointed pursuant to this chapter may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so, by a written statement setting forth that the probationer has, in the judgment of the probation officer, violated one or more of the terms or conditions upon which the probationer was released on probation. Such a written statement by a probation officer delivered to the officer in charge of any local jail or lockup shall be sufficient warrant for the detention of the probationer. Any officer deputized upon receipt of the written statement shall, in accordance with § 19.2-390, enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Such information shall be deemed a warrant authorizing the arrest of the person anywhere in the Commonwealth.

B. *The probation officer of any probationer arrested pursuant to this section shall, within 24 hours but no later than three business days after the arrest of the probationer, (i) submit a copy of any written statement described in subsection A, including all relevant case numbers, to the local attorney for the Commonwealth and the clerk of the court for the circuit court responsible for supervision of the probationer and advise such persons of his arrest and (ii) request the circuit court of the sentencing jurisdiction to promptly issue a capias or bench warrant for the alleged violation contained in the written statement.*

HOUSE SUBSTITUTE

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