

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 16.1-135, 19.2-125, and 19.2-319 of the Code of Virginia, relating to bail*  
 3 *and recognizance; appeal of conviction.*

4 [H 2652]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 16.1-135, 19.2-125, and 19.2-319 of the Code of Virginia are amended and reenacted as**  
8 **follows:**9 **§ 16.1-135. Bail and recognizance; papers filed with circuit court.**

10 A person who has been convicted of an offense in a district court and who has noted an appeal, either at  
 11 the time judgment is rendered or subsequent to its entry, shall be given credit for any bond that he may have  
 12 posted in the court from which he appeals and shall be treated in accordance with the provisions of Article 1  
 13 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2. ~~Any new bond which may be required~~ *The court shall not*  
 14 *require any new bond* for the release of such person pending the appeal ~~shall be given before the judge or the~~  
 15 ~~clerk of the district court and treated in accordance with Article 1 of Chapter 9 of Title 19.2; however, if the~~  
 16 ~~judge or clerk is not available to take the bond, the bond may be given before a magistrate serving the~~  
 17 ~~jurisdiction.~~ Whenever an appeal is taken and the ~~ten-day~~ *10-day* period prescribed by § 16.1-133 has expired  
 18 the papers shall be promptly filed with the clerk of the circuit court.

19 **§ 19.2-125. Release pending appeal from conviction in court not of record.**

20 A person who has been convicted of an offense in a district court and who has noted an appeal shall be  
 21 given credit for any bond that he may have posted in the court from which he appeals and shall be treated in  
 22 accordance with the provisions of this article. *The court shall not require any new bond for the release of*  
 23 *such person pending the appeal.*

24 **§ 19.2-319. When execution of sentence to be suspended; bail; appeal from denial.**

25 If a person sentenced by a circuit court to confinement in the state correctional facility indicates an  
 26 intention to apply for a writ of error, the circuit court shall postpone the execution of such sentence for such  
 27 time as it may deem proper.

28 In any other criminal case wherein judgment is given by any *circuit* court to which a writ of error lies, and  
 29 in any case of judgment for any civil or criminal contempt, from which an appeal may be taken or to which a  
 30 writ of error lies, the *circuit* court giving such judgment may postpone the execution thereof for such time  
 31 and on such terms as it deems proper.

32 In any case after conviction if the sentence, or the execution thereof, is suspended in accordance with this  
 33 section, or for any other cause, the *circuit* court, or the judge thereof, may, and in any case of a misdemeanor  
 34 shall, set bail in such penalty and for appearance at such time as the nature of the case may require, provided  
 35 that, if the conviction was for a violent felony as defined in § 19.2-297.1 and the defendant was sentenced to  
 36 serve a period of incarceration not subject to suspension, then the *circuit* court shall presume, subject to  
 37 rebuttal, that no condition or combination of conditions of bail will reasonably assure the appearance of the  
 38 convicted person or the safety of the public.

39 In any case in which the *circuit* court denies bail, the reason for such denial shall be stated on the record  
 40 of the case. A writ of error from the Court of Appeals shall lie to any such judgment refusing bail or requiring  
 41 excessive bail. Upon review by the Court of Appeals, if the decision by the trial court to deny bail is  
 42 overruled, the Court of Appeals shall either set bail or remand the matter to circuit court for such further  
 43 action regarding bail as the Court of Appeals directs.

ENROLLED

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