

VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

CHAPTER 170

An Act to amend and reenact § 19.2-160.1 of the Code of Virginia, relating to appointment of counsel for accused; felonies punishable by a mandatory minimum term of confinement for life.

[H 2322]

Approved March 19, 2025

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-160.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-160.1. Appointment of counsel in Class 1 felony cases or cases involving a felony punishable by a mandatory minimum term of confinement for life.

A. In any case in which an indigent defendant is charged with a Class 1 felony *or any felony punishable by a mandatory minimum term of confinement for life* in a jurisdiction in which a public defender office is established, the court shall, upon request for the appointment of counsel and in the absence of a conflict, appoint such public defender office to represent the defendant. Upon motion of the attorney from a public defender office, the judge of the circuit court shall appoint a competent, qualified, and experienced attorney from the list maintained by the Indigent Defense Commission pursuant to § 19.2-163.01 to serve as co-counsel.

If the public defender notifies the court of a conflict and withdraws from representation, and the court had appointed one additional counsel to assist the public defender's office, then upon the withdrawal of the public defender's office the court shall appoint one additional competent, qualified, and experienced attorney from the list maintained by the Indigent Defense Commission pursuant to § 19.2-163.01 to serve as co-counsel for the defendant.

B. In any case in which an indigent defendant is charged with a Class 1 felony *or any felony punishable by a mandatory minimum term of confinement for life* in a jurisdiction in which there is no public defender, upon request for the appointment of counsel, the court shall appoint two competent, qualified, and experienced attorneys; from the list maintained by the Indigent Defense Commission pursuant to § 19.2-163.01 to serve as co-counsels for the defendant.