

26103822D

**HOUSE BILL NO. 718**

Offered January 14, 2026

Prefiled January 13, 2026

*A BILL to amend and reenact § 19.2-73 of the Code of Virginia, relating to issuance of summons instead of warrant in certain cases.*

---

 Patron—Zehr
 

---

Committee Referral Pending

**Be it enacted by the General Assembly of Virginia:****1. That § 19.2-73 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-73. Issuance of summons instead of warrant in certain cases.**

A. In any misdemeanor case or in any class of misdemeanor cases *other than Class 1 or 2 misdemeanors*, or in any case involving complaints made by any state or local governmental official or employee having responsibility for the enforcement of any statute, ordinance, or administrative regulation, the magistrate or other issuing authority having jurisdiction may issue a summons instead of a warrant ~~when there is reason to believe that the person charged will~~ *only upon a showing of evidence that the accused is willing and able to appear in the courts having jurisdiction over the trial of the offense charged. In cases involving Class 1 or 2 misdemeanors, the magistrate or other issuing authority having jurisdiction shall issue a warrant for such alleged offense unless he finds that there is reason to believe that the person charged will appear in the courts having jurisdiction over the trial of the offense charged. The magistrate or other issuing authority having jurisdiction shall submit, in writing, the facts supporting his decision to issue a summons instead of a warrant, which shall be filed with the summons in the court file.*

B. If any person under suspicion for driving while intoxicated has been taken to a medical facility for treatment or evaluation of his medical condition, the officer at the medical facility may issue, on the premises of the medical facility, a summons for a violation of § 18.2-266, 18.2-266.1, 18.2-272, or 46.2-341.24 and for refusal of tests in violation of subsection A or B of § 18.2-268.3 or subsection A of § 46.2-341.26:3, in lieu of securing a warrant and without having to detain that person, provided that the officer has probable cause to place him under arrest. The issuance of such summons shall be deemed an arrest for purposes of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2.

C. Any person on whom such summons is served shall appear on the date set forth in same, and if such person fails to appear in such court at such time and on such date then he shall be treated in accordance with the provisions of § 19.2-128, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.

INTRODUCED

HB718