

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 16.1-123.1, 16.1-241, 19.2-183, and 19.2-186 of the Code of Virginia,*  
 3 *relating to jurisdiction of district courts in felony cases; specialty dockets; Behavioral Health Docket Act.*

4 [H 245]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 16.1-123.1, 16.1-241, 19.2-183, and 19.2-186 of the Code of Virginia are amended and**  
8 **reenacted as follows:**9 **§ 16.1-123.1. Criminal and traffic jurisdiction of general district courts.**10 1. Each general district court shall have, within the county, including the towns within such county, or city  
11 for which it is established, exclusive original jurisdiction for the trial of:12 a. All offenses against the ordinances, laws and bylaws of such county, including the towns within such  
13 county, or city or of any service district within such county or city, except a city ordinance enacted pursuant  
14 to §§ 18.2-372 through 18.2-391.1. All offenses against the ordinances of a service district shall be  
15 prosecuted in the name of such service district;16 b. All other misdemeanors and traffic infractions arising in such county, including the towns in such  
17 county, or city.

18 2. Each general district court which is established within a city shall also have:

19 a. Concurrent jurisdiction with the circuit court of such city for all violations of state revenue and election  
20 laws; and21 b. Exclusive original jurisdiction, except as otherwise provided by general law or the city charter, within  
22 the area extending for one mile beyond the corporate limits thereof, for the trial of all offenses against the  
23 ordinances, laws and bylaws of the city.24 3. If a city lying within a county has no general district court provided by city charter or under general  
25 law, then the general district court of the county within which such city lies shall have the same jurisdiction  
26 in such city as a general district court established for a city would have.27 4. Each general district court shall have such other jurisdiction, exclusive or concurrent, as may be  
28 conferred on such court by general law or by provisions of the charter of the city for which the court was  
29 established.30 5. Notwithstanding the provisions of subsection C of § 19.2-244, any county general district court  
31 authorized by § 16.1-69.35:01 to be established in a city shall have exclusive original jurisdiction for the trial  
32 of all misdemeanors committed within or upon the general district court courtroom.33 6. Upon certification by the general district court of any felony charge and ancillary misdemeanor charge  
34 or when an appeal of a conviction of an offense in general district court is noted, jurisdiction as to such  
35 charges shall vest in the circuit court, unless such case is reopened pursuant to § 16.1-133.1; a final judgment,  
36 order, or decree is modified, vacated, or suspended pursuant to Supreme Court of Virginia Rule 1:1; ~~or~~ the  
37 appeal has been withdrawn in the general district court within 10 days pursuant to § 16.1-133; *or the judge of*  
38 *the general district court, with the consent of the accused and the attorney for the Commonwealth, has*  
39 *delayed a proceeding pursuant to § 19.2-183 or 19.2-186 in order for the accused to complete a specialty*  
40 *docket established pursuant to § 18.2-254.2 or a behavioral health docket established pursuant to*  
41 *§ 18.2-254.3.*42 7. Nothing herein shall affect the jurisdiction conferred on the juvenile and domestic relations district  
43 court by Chapter 11 (§ 16.1-226 et seq.).44 **§ 16.1-241. Jurisdiction; consent for abortion.**45 The judges of the juvenile and domestic relations district court elected or appointed under this law shall be  
46 conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which  
47 they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as  
48 hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the  
49 territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said  
50 city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over  
51 all cases, matters and proceedings involving:

52 A. The custody, visitation, support, control or disposition of a child:

53 1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or  
54 delinquent except where the jurisdiction of the juvenile court has been terminated or divested;55 2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or  
56 mental incapacity of his parents is without parental care and guardianship;

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57 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as  
58 having abused or neglected another child in the care of the parent or custodian;

59 3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases  
60 jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided  
61 in § 16.1-244;

62 4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or  
63 whose parent or parents for good cause desire to be relieved of his care and custody;

64 5. Where the termination of residual parental rights and responsibilities is sought. In such cases  
65 jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in  
66 § 16.1-244;

67 6. Who is charged with a traffic infraction as defined in § 46.2-100; or

68 7. Who is alleged to have refused to take a blood test in violation of § 18.2-268.2.

69 In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in  
70 subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall  
71 be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the  
72 juvenile committed the act alleged and that the juvenile was 16 years of age or older at the time of the  
73 commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is  
74 alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all  
75 charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C  
76 of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to  
77 determine if there is probable cause to believe that the juvenile committed the act alleged and that the  
78 juvenile was 16 years of age or older at the time of the commission of the alleged offense, and any matters  
79 related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection  
80 B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over  
81 the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A  
82 of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the  
83 case shall be divested as provided in § 16.1-269.6.

84 In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a  
85 violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser  
86 offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested  
87 unless there is a transfer pursuant to subsection A of § 16.1-269.1.

88 The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control  
89 or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal  
90 guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party  
91 with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents,  
92 step-grandparents, stepparents, former stepparents, blood relatives and family members. A party with a  
93 legitimate interest shall not include any person (i) whose parental rights have been terminated by court order,  
94 either voluntarily or involuntarily, except for purposes of this title, as otherwise provided by this paragraph;  
95 (ii) whose interest in the child derives from or through a person whose parental rights have been terminated  
96 by court order, either voluntarily or involuntarily, or whose interest in the child derives from or through a  
97 person pursuant to clause (iii), including, but not limited to, grandparents, stepparents, former stepparents,  
98 blood relatives and family members, if the child subsequently has been legally adopted, except where a final  
99 order of adoption is entered pursuant to § 63.2-1241; or (iii) who has been convicted of a violation of  
100 subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state,  
101 the United States, or any foreign jurisdiction, or who has been found by clear and convincing evidence to  
102 have engaged in the conduct prohibited by subsection A of § 18.2-61, § 18.2-63, or subsection B of  
103 § 18.2-366, whether or not the person has been charged with or convicted of the alleged violation, when the  
104 child who is the subject of the petition was conceived as a result of such violation or conduct. The authority  
105 of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited  
106 where the child has previously been awarded to the custody of a local board of social services. For purposes  
107 of this title, a party with a legitimate interest shall also include a parent whose rights previously had been  
108 terminated, provided that the child whose custody or visitation is at issue (a) is at least 14 years of age; (b)  
109 has had a permanency goal previously achieved by adoption; (c) has had his adoptive parents die or, pursuant  
110 to § 16.1-277.02, each of such child's adoptive parents has permanently been relieved of custody of such  
111 child and each adoptive parent has had his parental rights terminated; and (d) is in the custody of a local  
112 board of social services, and provided that the parent whose rights had previously been terminated has (1)  
113 complied with the terms of any written post-adoption contact and communication agreement entered into  
114 pursuant to Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2 and (2) maintained a positive,  
115 continuous relationship with the child since termination.

116 A1. Making specific findings of fact required by state or federal law to enable a child to apply for or  
117 receive a state or federal benefit. For the purposes of this subsection only, when the court has obtained  
118 jurisdiction over the case of any child, the court may continue to exercise its jurisdiction until such person

119 reaches 21 years of age, for the purpose of entering findings of fact or amending past orders, to include  
 120 findings of fact necessary for the person to petition the federal government for status as a special immigrant  
 121 juvenile, as defined by 8 U.S.C. § 1101(a)(27)(J).

122 B. The admission of minors for inpatient treatment in a mental health facility in accordance with the  
 123 provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental illness or  
 124 judicial certification of eligibility for admission to a training center for persons with intellectual disability in  
 125 accordance with the provisions of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary  
 126 admission and certification of adults shall be concurrent with the general district court.

127 C. Except as provided in subsections D and H, judicial consent to such activities as may require parental  
 128 consent may be given for a child who has been separated from his parents, guardian, legal custodian or other  
 129 person standing in loco parentis and is in the custody of the court when such consent is required by law.

130 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has  
 131 ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco  
 132 parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco  
 133 parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be  
 134 consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide  
 135 such treatment when requested by the judge to do so.

136 E. Any person charged with deserting, abandoning or failing to provide support for any person in violation  
 137 of law.

138 F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

139 1. Who has been abused or neglected;

140 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is  
 141 otherwise before the court pursuant to subdivision A 4; or

142 3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds  
 143 that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of  
 144 the child complained of in the petition.

145 G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other  
 146 person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services that  
 147 are required by law to be provided for that child or such child's parent, guardian, legal custodian or other  
 148 person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not exclusive of that  
 149 of courts having equity jurisdiction as provided in § 16.1-244.

150 H. Judicial consent to apply for a work permit for a child when such child is separated from his parents,  
 151 legal guardian or other person standing in loco parentis.

152 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect  
 153 of children or with any violation of law that causes or tends to cause a child to come within the purview of  
 154 this law, or with any other offense against the person of a child. In prosecution for felonies over which the  
 155 court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

156 J. All offenses in which one family or household member is charged with an offense in which another  
 157 family or household member is the victim and all offenses under § 18.2-49.1.

158 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to  
 159 determining whether or not there is probable cause, *except that the court shall retain jurisdiction for any*  
 160 *felony in which the proceeding has been delayed, with the consent of the accused and the attorney for the*  
 161 *Commonwealth, pursuant to § 19.2-183 or 19.2-186 in order for the accused to complete a specialty docket*  
 162 *established pursuant to § 18.2-254.2 or a behavioral health docket established pursuant to § 18.2-254.3. Any*  
 163 *objection based on jurisdiction under this subsection shall be made before a jury is impeached and sworn in a*  
 164 *jury trial or, in a nonjury trial, before the earlier of when the court begins to hear or receive evidence or the*  
 165 *first witness is sworn, or it shall be conclusively waived for all purposes. Any such objection shall not affect*  
 166 *or be grounds for challenging directly or collaterally the jurisdiction of the court in which the case is tried.*

167 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished  
 168 pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such  
 169 petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

170 L. Any person who seeks spousal support after having separated from his spouse. A decision under this  
 171 subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit  
 172 court shall have concurrent original jurisdiction in all causes of action under this subdivision.

173 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4,  
 174 or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to  
 175 § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

176 N. Any person who escapes or remains away without proper authority from a residential care facility in  
 177 which he had been placed by the court or as a result of his commitment to the Virginia Department of  
 178 Juvenile Justice.

179 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.).

180 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900

181 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered by a juvenile and  
 182 domestic relations district court upon the filing of a certified copy of such order in the juvenile and domestic  
 183 relations district court.

184 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. A  
 185 circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

186 R. [Repealed.]

187 S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

188 T. Petitions to enforce any request for information or subpoena that is not complied with or to review any  
 189 refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to  
 190 § 63.2-1526.

191 U. Petitions filed in connection with parental placement adoption consent hearings pursuant to  
 192 § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days  
 193 of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

194 V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to an  
 195 adoption when the consent to an adoption is executed pursuant to the laws of another state and the laws of  
 196 that state provide for the execution of consent to an adoption in the court of the Commonwealth.

197 W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a  
 198 minor elects not to seek consent of an authorized person.

199 After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without the  
 200 consent of any authorized person, if he finds that (i) the minor is mature enough and well enough informed to  
 201 make her abortion decision, in consultation with her physician, independent of the wishes of any authorized  
 202 person, or (ii) the minor is not mature enough or well enough informed to make such decision, but the desired  
 203 abortion would be in her best interest.

204 If the judge authorizes an abortion based on the best interests of the minor, such order shall expressly state  
 205 that such authorization is subject to the physician or his agent giving notice of intent to perform the abortion;  
 206 however, no such notice shall be required if the judge finds that such notice would not be in the best interest  
 207 of the minor. In determining whether notice is in the best interest of the minor, the judge shall consider the  
 208 totality of the circumstances; however, he shall find that notice is not in the best interest of the minor if he  
 209 finds that (a) one or more authorized persons with whom the minor regularly and customarily resides is  
 210 abusive or neglectful and (b) every other authorized person, if any, is either abusive or neglectful or has  
 211 refused to accept responsibility as parent, legal guardian, custodian or person standing in loco parentis.

212 The minor may participate in the court proceedings on her own behalf, and the court may appoint a  
 213 guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and shall,  
 214 upon her request, appoint counsel for her.

215 Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings  
 216 relating to consent for a minor's abortion. Court proceedings under this subsection and records of such  
 217 proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so  
 218 that the court may reach a decision promptly and without delay in order to serve the best interests of the  
 219 minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no  
 220 event later than four days after the petition is filed.

221 An expedited confidential appeal to the circuit court shall be available to any minor for whom the court  
 222 denies an order authorizing an abortion without consent or without notice. Any such appeal shall be heard  
 223 and decided no later than five days after the appeal is filed. The time periods required by this subsection shall  
 224 be subject to subsection B of § 1-210. An order authorizing an abortion without consent or without notice  
 225 shall not be subject to appeal.

226 No filing fees shall be required of the minor at trial or upon appeal.

227 If either the original court or the circuit court fails to act within the time periods required by this  
 228 subsection, the court before which the proceeding is pending shall immediately authorize a physician to  
 229 perform the abortion without consent of or notice to an authorized person.

230 Nothing contained in this subsection shall be construed to authorize a physician to perform an abortion on  
 231 a minor in circumstances or in a manner that would be unlawful if performed on an adult woman.

232 A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has  
 233 been obtained or the minor delivers to the physician a court order entered pursuant to this section and the  
 234 physician or his agent provides such notice as such order may require. However, neither consent nor judicial  
 235 authorization nor notice shall be required if the minor declares that she is abused or neglected and the  
 236 attending physician has reason to suspect that the minor may be an abused or neglected child as defined in  
 237 § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical  
 238 emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's  
 239 medical record.

240 For purposes of this subsection:

241 "Authorization" means the minor has delivered to the physician a notarized, written statement signed by  
 242 an authorized person that the authorized person knows of the minor's intent to have an abortion and consents

243 to such abortion being performed on the minor.

244 "Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a  
 245 person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the  
 246 minor regularly and customarily resides and who has care and control of the minor. Any person who knows  
 247 he is not an authorized person and who knowingly and willfully signs an authorization statement consenting  
 248 to an abortion for a minor is guilty of a Class 3 misdemeanor.

249 "Consent" means that (i) the physician has given notice of intent to perform the abortion and has received  
 250 authorization from an authorized person, or (ii) at least one authorized person is present with the minor  
 251 seeking the abortion and provides written authorization to the physician, which shall be witnessed by the  
 252 physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's  
 253 medical record and maintained as a part thereof.

254 "Medical emergency" means any condition which, on the basis of the physician's good faith clinical  
 255 judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate  
 256 abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and  
 257 irreversible impairment of a major bodily function.

258 "Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice  
 259 of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24  
 260 hours previous to the performance of the abortion or (ii) the physician or his agent, after a reasonable effort to  
 261 notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such  
 262 person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of  
 263 the abortion.

264 "Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical  
 265 procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

266 "Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage  
 267 entered into prior to July 1, 2024, or lawfully entered into in another state or country prior to being domiciled  
 268 in the Commonwealth, even though the marriage may have been terminated by dissolution; (ii) active duty  
 269 with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her  
 270 parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of  
 271 emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

272 X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor  
 273 children.

274 Y. Petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen or test  
 275 results.

276 Z. Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of services  
 277 and support for persons who meet the eligibility criteria for the Fostering Futures program set forth in  
 278 § 63.2-919.

279 The ages specified in this law refer to the age of the child at the time of the acts complained of in the  
 280 petition.

281 Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of any  
 282 process in a proceeding pursuant to subdivision A 3, except as provided in subdivision A 6 of § 17.1-272, or  
 283 subsection B, D, M, or R.

284 Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of  
 285 subsection W shall be guilty of a Class 3 misdemeanor.

286 Upon certification by the juvenile and domestic relations district court of any felony charge and ancillary  
 287 misdemeanor charge committed by an adult or when an appeal of a conviction or adjudication of delinquency  
 288 of an offense in the juvenile and domestic relations district court is noted, jurisdiction as to such charges shall  
 289 vest in the circuit court, unless such case is reopened pursuant to § 16.1-133.1; a final judgment, order, or  
 290 decree is modified, vacated, or suspended pursuant to Supreme Court of Virginia Rule 1:1; or the appeal has  
 291 been withdrawn in the juvenile and domestic relations district court within 10 days pursuant to § 16.1-133.

292 **§ 19.2-183. Examination of witnesses; assistance of counsel; evidentiary matters and remedies;**  
 293 **power to adjourn case.**

294 A. The judge before whom any person is brought for an offense shall, as soon as may be practical, in the  
 295 presence of such person, examine on oath the witnesses for and against him. Before conducting the hearing or  
 296 accepting a waiver of the hearing, the judge shall advise the accused of his right to counsel and, if the accused  
 297 is indigent and the offense charged be punishable by confinement in jail or the state correctional facility, the  
 298 judge shall appoint counsel as provided by law.

299 B. At the hearing the judge shall, in the presence of the accused, hear testimony presented for and against  
 300 the accused in accordance with the rules of evidence applicable to criminal trials in this Commonwealth. In  
 301 felony cases, the accused shall not be called upon to plead, but he may cross-examine any witness who  
 302 testifies on behalf of the Commonwealth or on behalf of any other defendant, introduce witnesses in his own  
 303 behalf, and testify in his own behalf.

304 C. A judge may adjourn a trial, pending before him, not exceeding 10 days at one time, without the

305 consent of the accused. *A judge may, for an offense that he does not have jurisdiction to try and with the*  
306 *consent of the accused and the attorney for the Commonwealth, delay a proceeding in order for the accused*  
307 *to complete a specialty docket established pursuant to § 18.2-254.2 or a behavioral health docket established*  
308 *pursuant to § 18.2-254.3. However, if the accused fails to complete such specialty docket or behavioral*  
309 *health docket, the court shall proceed pursuant to this section and § 19.2-186.*

310 D. At any preliminary hearing under this section, certificates of analysis and reports prepared pursuant to  
311 §§ 19.2-187 and 19.2-188 shall be admissible without the testimony of the person preparing such certificate  
312 or report.

313 **§ 19.2-186. When accused to be discharged, tried, committed, or bailed by judge.**

314 The judge shall discharge the accused if he considers that there is not sufficient cause for charging him  
315 with the offense.

316 If a judge considers that there is sufficient cause only to charge the accused with an offense which the  
317 judge has jurisdiction to try, then he shall try the accused for such offense and convict him if he deems him  
318 guilty and pass judgment upon him in accordance with law just as if the accused had first been brought before  
319 him on a warrant charging him with such offense.

320 If a judge considers that there is sufficient cause to charge the accused with an offense that he does not  
321 have jurisdiction to try then he shall certify the case to the appropriate court having jurisdiction and shall  
322 commit the accused to jail or let him to bail pursuant to the provisions of Article 1 (§ 19.2-119 et seq.) of  
323 Chapter 9 ~~of this title~~. *However, a judge may, for an offense that he does not have jurisdiction to try and with*  
324 *the consent of the accused and the attorney for the Commonwealth, delay a proceeding under this section in*  
325 *order for the accused to complete a specialty docket established pursuant to § 18.2-254.2 or a behavioral*  
326 *health docket established pursuant to § 18.2-254.3. However, if the accused fails to complete such specialty*  
327 *docket or behavioral health docket, the court shall proceed pursuant to § 19.2-183 and this section.*