

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-152.4:3 of the Code of Virginia, relating to duties and responsibilities of*
 3 *local pretrial services officers; assessments.*

4 [S 714]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 19.2-152.4:3 of the Code of Virginia is amended and reenacted as follows:**8 **§ 19.2-152.4:3. Duties and responsibilities of local pretrial services officers.**

9 A. Each local pretrial services officer, for the jurisdictions served, shall:

10 1. Investigate and ~~interview~~ *conduct a risk assessment* of defendants arrested on state and local warrants
 11 and who are detained in jails located in jurisdictions served by the agency while awaiting a hearing before
 12 any court that is considering or reconsidering bail, at initial appearance, advisement or arraignment, or at
 13 other subsequent hearings;

14 2. Present a pretrial investigation report with recommendations to assist courts in discharging their duties
 15 related to granting or reconsidering bail;

16 3. Supervise and assist all defendants residing within the jurisdictions served and placed on pretrial
 17 supervision by any judicial officer within the jurisdictions to ensure compliance with the terms and conditions
 18 of bail;

19 4. Conduct random drug and alcohol tests on any defendant under supervision for whom a judicial officer
 20 has ordered testing or who has been required to refrain from excessive use of alcohol or use of any illegal
 21 drug or controlled substance or other defendant-specific condition of bail related to alcohol or substance
 22 abuse;

23 5. Seek a *capias* from any judicial officer pursuant to § 19.2-152.4:1 for any defendant placed under
 24 supervision or the custody of the agency who fails to comply with the conditions of bail or supervision, when
 25 continued liberty or noncompliance presents a risk of flight, a risk to public safety or risk to the defendant;

26 6. Seek an order to show cause why the defendant should not be required to appear before the court in
 27 those cases requiring a subsequent hearing before the court;

28 7. Provide defendant-based information to assist any law-enforcement officer with the return to custody of
 29 defendants placed on supervision for which a *capias* has been sought; and

30 8. Keep such records and make such reports as required by the Commonwealth of Virginia Department of
 31 Criminal Justice Services.

32 B. Each local pretrial services officer, for the jurisdictions served, may provide the following optional
 33 services, *including conducting defendant interviews*, as appropriate and when available resources permit:

34 1. Conduct, subject to court approval, drug and alcohol screenings, or tests at investigation pursuant to
 35 subsection B of § 19.2-123 or following release to supervision, and conduct or facilitate the preparation of
 36 screenings or assessments or both pursuant to state approved protocols;

37 2. Facilitate placement of defendants in a substance abuse education or treatment program or services or
 38 other education or treatment service, including referral to screening for participation in a behavioral health
 39 docket that has been established in accordance with § 18.2-254.3 as a treatment service, when ordered as a
 40 condition of bail;

41 3. Sign for the custody of any defendant investigated by a pretrial services officer, and released by a court
 42 to pretrial supervision as the sole term and condition of bail or when combined with an unsecured bond;

43 4. Provide defendant information and investigation services for those who are detained in jails located in
 44 jurisdictions served by the agency and are awaiting an initial bail hearing before a magistrate;

45 5. Supervise defendants placed by any judicial officer on home electronic monitoring as a condition of
 46 bail and supervision;

47 6. Prepare, for defendants investigated, the financial statement-eligibility determination form for indigent
 48 defense services; and

49 7. Subject to approved procedures and if so requested by the court, coordinate for defendants investigated,
 50 services for court-appointed counsel and for interpreters for foreign-language speaking and deaf or hard of
 51 hearing defendants.

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