

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-121 of the Code of Virginia, relating to bail for a person accused*  
3 *of a crime that is an act of violence; notice to attorney for the Commonwealth.*

4  
5 Approved  
6

[S 614]

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That § 19.2-121 of the Code of Virginia is amended and reenacted as follows:**

9 **§ 19.2-121. Fixing terms of bail.**

10 A. If the person is admitted to bail, the terms thereof shall be such as, in the judgment of any  
11 official granting or reconsidering the same, will be reasonably fixed to ~~assure~~ *ensure* the appearance of  
12 the accused and to ~~assure~~ *ensure* his good behavior pending trial. The judicial officer shall take into  
13 account (i) the nature and circumstances of the offense; (ii) whether a firearm is alleged to have been  
14 used in the offense; (iii) the weight of the evidence; (iv) the financial resources of the accused or  
15 juvenile and his ability to pay bond; (v) the character of the accused or juvenile including his family  
16 ties, employment or involvement in education; (vi) his length of residence in the community; (vii) his  
17 record of convictions; (viii) his appearance at court proceedings or flight to avoid prosecution or failure  
18 to appear at court proceedings; (ix) whether the person is likely to obstruct or attempt to obstruct justice,  
19 or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness, juror,  
20 or victim; and (x) any other information available which the court considers relevant to the  
21 determination of whether the accused or juvenile is unlikely to appear for court proceedings.

22 B. When a magistrate conducts a bail hearing for a person arrested on a warrant or capias for a  
23 jailable offense, the magistrate shall describe the information considered under subsection A on a form  
24 provided by the Executive Secretary of the Supreme Court and shall transmit the completed form to the  
25 circuit court or district court before which the warrant or capias is returnable, *and if such jailable*  
26 *offense is an act of violence as defined in § 19.2-297.1, then such magistrate shall transmit within 24*  
27 *hours a copy of the completed form to the attorney for the Commonwealth for the jurisdiction where the*  
28 *warrant or capias is returnable. Transmission of such copy to the attorney for the Commonwealth may*  
29 *be by facsimile or other electronic means.*

30 C. In any case where the accused has appeared and otherwise met the conditions of bail, no bond  
31 therefor shall be used to satisfy fines and costs unless agreed to by the person who posted such bond.

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