

Approved April 9, 1984

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-123 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-123. Release of accused on unsecured bond or promise to appear; conditions of release.—(a) If any judicial officer has brought before him any person held in custody and charged with an offense, other than an offense punishable by death, or a juvenile taken into custody pursuant to § 16.1-246 said judicial officer shall consider the release pending trial or hearing of the accused on his written promise to appear in court as directed or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer. In determining whether or not to release the accused or juvenile on his written promise to appear or an unsecured bond the judicial officer shall take into account the nature and circumstances of the offense charged, the accused's or juvenile's family ties, employment, financial resources, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings, and any other information available to him which he believes relevant to the determination of whether or not the defendant or juvenile is likely to absent himself from court proceedings.

~~Should~~ *In the case of a juvenile or in any case where the judicial officer determine* determines that such a release will not reasonably assure the appearance of the accused as required, ~~or, in the case of a juvenile,~~ the judicial officer shall then, either in lieu of or in addition to the above methods of release, impose any one, or any combination of the following conditions of release which will reasonably assure the appearance of the accused or juvenile for trial or hearing:

(1) Place the person in the custody of a designated person or organization agreeing to supervise him;

(2) Place restrictions on the travel, association or place of abode of the person during the period of release *and restrict contacts with household members for a period not to exceed seventy-two hours ;*

(3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof. The value of real estate owned by the proposed surety shall be considered in determining solvency; or

(4) Impose any other condition deemed reasonably necessary to assure appearance as required, and to assure his good behavior pending trial, including a condition requiring that the person return to custody after specified hours.

In addition, where the accused is a resident of a state training center for the mentally retarded, the judicial officer may place the person in the custody of the director of the state facility, if the director agrees to accept custody. Such director is hereby authorized to take custody of such person and to maintain him at the training center prior to a trial or hearing under such circumstances as will reasonably assure the appearance of the accused for the trial or hearing.

(b) Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

(c) Nothing in this section shall be construed to prevent an officer taking a juvenile into custody from releasing that juvenile pursuant to § 16.1-247 of this Code. If any condition of release imposed under the provisions of this section is violated, the judicial officer may issue a *capias* or order to show cause why the bond should not be revoked.

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## CHAPTER 708

*An Act to provide for the submission of a proposed amendment to Section 6 of Article VII of the Constitution of Virginia, relating to multiple offices in local government.*

[H 120]

Approved April 9, 1984

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November, 1984, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 6 of Article VII of the Constitution of Virginia as follows:

#### ARTICLE VII

##### LOCAL GOVERNMENT

§ 6. Multiple offices.—Unless two or more units exercise functions jointly as authorized in Sections 3 and 4, no person shall at the same time hold more than one office mentioned in this Article. No member of a governing body shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the governing body by election or appointment, except that a member of a governing body may be named a member of such other boards, commissions, and bodies as may be permitted by general law *and except that a member of a governing body may be elected or appointed to fill a vacancy in the office of mayor or board chairman if permitted by general law or special act.*

The ballot shall contain the following question:

Shall the Constitution of Virginia be amended so that members of local governing bodies can be elected or appointed to vacancies in the office of mayor or board chairman?

☐ Yes

☐ No

The ballots shall be prepared, distributed and voted, and the results thereof ascertained and certified, in the manner prescribed by § 24.1-165 of the Code of Virginia. The State Board of Elections shall cause to be sent to the clerks of each county and city, at least thirty days before the election, a copy of this act. Each such clerk shall forthwith post a copy of such act at the courthouse of such county or city. The State Board of Elections shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office, and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall, without delay, make proclamation of the result, stating therein the aggregate vote for and against such amendment.

If a majority of those voting vote in favor of such amendment, it shall become effective on January 1, 1985.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.