
Using This Form

1. Copies
 - a. Original – to sheriff to make return.
 - b. First copy – to the accused.
 - c. Second copy – to the court.
 - d. Additional copies as dictated by local practice.
2. Prepared by clerk.
3. Attachments
 - a. Copy of the Indictment, Presentment or Information (see Data Element No. 5).
 - b. Circuit court form CC-1304, CHARGE ADDENDUM.
4. Preparation Details
 - a. Data Element Nos. 6 through 8 – Used by judge to direct magistrate to set bail terms pursuant to Va. Code § 19.2-130.1. Check 2nd of the boxes in Data Element Number 8 to indicate whether magistrate may or may not set other or additional terms and conditions of bail.
 - b. Data Element No. 9 – May be used by judge to provide information to assist magistrate in making bail determination.
 - c. Data Element No. 15 – If capias is upon direct indictment, presentment or information or involves a charge certified by the district court at the preliminary hearing that was not accompanied by a CCRE report, and the charge involves an offense for which a CCRE report is required (see Va. Code § 19.2-390), check this box.
 - d. Data Element No. 16 – Enter return date. Used to notify magistrate of next court date.

CAPIAS

Commonwealth of Virginia VA. CODE §§ 19.2-310.2:1, 19.2-310.3:1, RULE 3A:7

1

Circuit Court

ACCUSED:

2

3

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN MO.	BORN DAY	BORN YR.	HT. FT.	HT. IN.	WGT.	EYES	HAIR
------	-----	-------------	-------------	-------------	------------	------------	------	------	------

SSN _____

TO:

4

DESIGNATION OF OFFICER

or any other authorized officer:

You are hereby commanded in the name of the Commonwealth to forthwith arrest the accused and to bring him/her before a judicial officer to answer the charge(s) listed below, which the accused is alleged to have committed as charged in a/an

- 5** {
- [] indictment dated
 - [] presentment dated
 - [] information dated

6 [] Pursuant to Va. Code § 19.2-130.1, the judge orders that the magistrate shall set the bail terms in accordance with the following:

.....

..... **7**

.....

AND [] may [] may not set other/additional terms and conditions. **8**

9 [] Information to consider in determining bail:

.....

.....

CHARGES(s):

10

Offense Tracking Number	Virginia Crime Code (For Administrative Use Only)	Code Section	Case Number
Offense Date:	Description:		
Offense Date:	Description:		
Offense Date:	Description:		

11 [] Addendum listing additional charges is attached and incorporated.

12

DATE ISSUED

13

[] CLERK [] JUDGE [] MAGISTRATE

by

14

DEPUTY CLERK

15 [] **CCRE Report Needed (if checked)**

Return date (Circuit Court Use Only) **16**

EXECUTED by arresting the accused named above on this day: **17**

DATE AND TIME

If the accused is arrested for an offense for which a DNA sample is required upon arrest by Virginia Code § 19.2-310.2:1, such sample shall be taken prior to the accused's release from custody. No DNA sample shall be taken if a DNA sample has been previously taken.

18 [] DNA sample taken [] DNA sample on file [] DNA sample not required

19

ARRESTING OFFICER

20

BADGE NO., AGENCY AND JURISDICTION

for

21

SHERIFF

22

DATE

Data Elements

1. Name of court in which the accused is required to appear.
2. Name and residential address of the accused.
3. Information describing the accused (race, sex, date of birth, height, weight, color of eyes, color of hair and social security number). **Note:** These boxes should be completed in whole or in part only as to those facts which are reasonably certain to be true.
4. Name of officer to whom capias was initially delivered for service and his bailiwick (e.g., "Sheriff of Fairfax County").
5. Check appropriate block to indicate that the offense was charged in an indictment, presentment or information and insert date of such written document.
6. Check this box if requiring magistrate to include certain provisions when setting bail terms.
7. Indicate specific bail terms for magistrate pursuant to Va. Code § 19.2-130.1.
8. Check appropriate box to indicate whether or not magistrate may set additional terms and conditions of bail.
9. Provide information for magistrate to consider in determining bail (e.g., other pending charges, past instances of failing to appear, etc.).
10. Complete requested information for each charge additional to the offense listed in Data Element No. 5. If more space is needed to list additional charges, see Data Element No. 11.
11. If applicable, check box and complete and attach circuit court form CC-1304, CHARGE ADDENDUM.
12. Date of issuance of capias.
13. Signature of official executing this form. If deputy clerk executed this form, print or type the clerk's name.
14. Signature of deputy clerk if deputy clerk executed this form.
15. Check box if a CCRE Report is needed.
16. List return date.
17. Date and time of execution of capias.
18. Check applicable box.
19. Signature of arresting officer.
20. Badge number of serving officer, employing agency and name of jurisdiction of arresting officer.
21. If capias served by deputy sheriff, insert name of sheriff.
22. Date of signature of local law enforcement officer.
23. Insert applicable page number(s). For example, if one addendum sheet listing additional charges is attached (see Data Element No. 11), insert page "one of two."