

# VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

## CHAPTER 805

*An Act to amend and reenact § 53.1-131.1 of the Code of Virginia, relating to payment to defray cost of jail confinement.*

[H 1288]

Approved April 8, 2002

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

**1. That § 53.1-131.1 of the Code of Virginia is amended and reenacted as follows:**

§ 53.1-131.1. Provision for sentencing of person to nonconsecutive days in jail; payment to defray costs; penalty.

Any court having jurisdiction for the trial of a person charged with a misdemeanor or traffic offense or charged with any offense under Chapter 5 (§ 20-61 et seq.) of Title 20 may, if the defendant is convicted and sentenced to confinement in jail, impose the time to be served on weekends or nonconsecutive days to permit the convicted defendant to retain gainful employment. A person sentenced pursuant to this section shall be ordered to pay an amount ordered by the court to defray the cost of his keep, which amount shall be the actual cost of incarceration but shall not exceed that amount charged to the Compensation Board for purposes of reimbursement as provided in the general appropriation act. Such amount shall be collected by the clerk of the court *and remitted to the treasurer of the appropriate county or city for purposes of defraying costs herein. The assessment provided for herein shall be in addition to any other fees prescribed by law.* If the defendant willfully fails to report at times specified by the court, the sentence imposed pursuant to this section shall be revoked and a straight jail sentence imposed.

The time served by a person sentenced for violation of state law in a local jail, regional jail, or local jail farm pursuant to this section shall be included in the count of prisoner days reported by the Department for the purpose of apportioning state funds to local correctional facilities for operating costs in accordance with § 53.1-84.