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HOUSE BILL NO. 2223

Offered January 8, 2003

Prefiled January 8, 2003

A BILL to amend and reenact § 53.1-203 of the Code of Virginia, relating to felonies and misdemeanors by prisoners; penalties.

Patrons—Keister and Shuler

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-203 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-203. Felonies and misdemeanors by prisoners; penalties.

It shall be unlawful for a prisoner in a state, local or community correctional facility or in the custody of an employee thereof to:

1. Escape from a correctional facility or from any person in charge of such prisoner;
2. Willfully break, cut or damage any building, furniture, fixture or fastening of such facility or any part thereof for the purpose of escaping, aiding any other prisoner to escape therefrom or rendering such facility less secure as a place of confinement;
3. Make, procure, secrete or have in his possession any instrument, tool or other thing for the purpose of escaping from or aiding another to escape from a correctional facility or employee thereof;
4. Make, procure, secrete or have in his possession a knife, instrument, tool or other thing not authorized by the superintendent or sheriff which is capable of causing death or bodily injury;
5. Procure, sell, secrete or have in his possession any chemical compound which he has not lawfully received;
6. Procure, sell, secrete or have in his possession a controlled substance classified in Schedule III of the Drug Control Act (§ 54.1-3400 et seq.) or marijuana;
7. Introduce into a correctional facility or have in his possession firearms or ammunition for firearms;
8. Willfully burn or destroy by use of any explosive device or substance, in whole or in part, or cause to be so burned or destroyed, any personal property, within any correctional facility; or
9. Conspire with another prisoner or other prisoners to commit any of the foregoing acts; or
10. Procure, sell, secrete, or have in his possession any tobacco, or tobacco product.

For violation of any of the provisions of this section, except ~~subdivision~~ subdivisions 6 and 10, the prisoner shall be guilty of a Class 6 felony. For a violation of subdivision 6, he shall be guilty of a Class 5 felony. For a violation of subdivision 10, he shall be guilty of a Class 1 misdemeanor. If the violation is of subdivision 1 of this section and the escapee is a felon, he shall be sentenced to a minimum of one year's confinement, which sentence shall not be suspended, in whole or in part, nor served concurrently with any other sentence. The prisoner shall, upon conviction of escape, immediately commence to serve such escape sentence, and he shall not be eligible for parole during such period. Any prisoner sentenced to life imprisonment who escapes shall not be eligible for parole. No part of the time served for escape shall be credited for the purpose of parole toward the sentence or sentences, the service of which is interrupted for service of the escape sentence, nor shall it be credited for such purpose toward any other sentence.

INTRODUCED

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