

040027276

HOUSE BILL NO. 522

Offered January 14, 2004

Prefiled January 13, 2004

A BILL to amend and reenact § 19.2-303 of the Code of Virginia, relating to suspension or modification of sentence for cooperation with prosecution.

Patron—Cosgrove

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-303 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-303. Suspension or modification of sentence; probation; taking of fingerprints as condition of probation.

After conviction, whether with or without jury, the court may suspend imposition of sentence or suspend the sentence in whole or part and in addition may place the accused on probation under such conditions as the court shall determine or may, as a condition of a suspended sentence, require the accused to make at least partial restitution to the aggrieved party or parties for damages or loss caused by the offense for which convicted, or to perform community service, or both, under terms and conditions which shall be entered in writing by the court. The judge, after convicting the accused of a felony, shall determine whether a copy of the accused's fingerprints are on file at the Central Criminal Records Exchange. In any case where fingerprints are not on file, the judge shall require that fingerprints be taken as a condition of probation. Such fingerprints shall be submitted to the Central Criminal Records Exchange under the provisions of subsection D of § 19.2-390.

If a person is sentenced to jail upon conviction of a misdemeanor or a felony, the court may, at any time before the sentence has been completely served, suspend the unserved portion of any such sentence, place the person on probation for such time as the court shall determine, or otherwise modify the sentence imposed.

If a person has been sentenced for a felony to the Department of Corrections but has not actually been transferred to a receiving unit of the Department, the court ~~which~~ *that* heard the case, if it appears compatible with the public interest and there are circumstances in mitigation of the offense, may, at any time before the person is transferred to the Department, suspend or otherwise modify the unserved portion of such a sentence. The court may place the person on probation for such time as the court shall determine.

When a person has been sentenced for a felony to the Department of Corrections, the court that heard the case may, following a hearing upon motion of the Commonwealth and with good cause therefor, suspend all or part, or otherwise modify, the unserved portion of the person's sentence if such a suspension or modification is compatible with the public interest.

INTRODUCED

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