

# 2004 SESSION

INTRODUCED

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## SENATE BILL NO. 238

Offered January 14, 2004

Prefiled January 13, 2004

*A BILL to amend and reenact § 19.2-310 of the Code of Virginia, relating to transmission of conviction order by clerks to Department of Corrections.*

Patron—Norment

Referred to Committee for Courts of Justice

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

#### **1. That § 19.2-310 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-310. Transfer of prisoners to custody of Director of Department of Corrections.

Every person sentenced by a court to the Department of Corrections upon conviction of a felony shall be conveyed to an appropriate receiving unit operated by the Department in the manner hereinafter provided. The clerk of the court in which the person is sentenced shall forthwith transmit to the Central Criminal Records Exchange the report of dispositions required by § 19.2-390. The clerk of the court within ~~thirty~~ 30 days from the date of the judgment the judge enters the final order shall forthwith transmit to the Director of the Department a certified copy or copies of the order of trial and a certified copy of the complete final order, ~~and if he fails to do so he shall forfeit \$100 which transmission shall occur by facsimile or electronic mail, with the clerk of court retaining proof of such transmission.~~ Such copy or copies shall contain, as nearly as ascertainable, the birth date of the person sentenced. The sheriff shall certify to the Director of the Department any jail credits to which the person to be confined is entitled at such time as that person is transferred to the custody of the Director of the Department.

Following receipt of the order of trial and a certified copy of the complete final order, the Director or his designee shall dispatch a correctional officer to the county or city with a warrant directed to the sheriff authorizing him to deliver the prisoner to the correctional officer whose duty it shall be to take charge of the person and convey him to an appropriate receiving unit designated by the Director or his designee. The Director or his designee shall allocate space available in the receiving unit or units by giving first priority to the transportation, as the transportation facilities of the Department may permit, of those persons held in jails who in the opinion of the Director or his designee except as required by § 53.1-20 require immediate transportation to a receiving unit. In making such a determination of priority, the Director shall give due regard to the capacity of local as well as state correctional facilities and, to the extent feasible, shall seek to balance between local and state correctional facilities the excess of prisoners requiring detention.

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