

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 53.1-116 of the Code of Virginia, relating to good conduct credits in*
3 *jails.*

4
5 Approved

[S 389]

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

7 **1. That § 53.1-116 of the Code of Virginia is amended and reenacted as follows:**

8 § 53.1-116. What records and policy jailer shall keep; how time deducted or added for felons and
9 misdemeanants; payment of fine and costs by person committed to jail until he pays.

10 A. The jailer shall keep a (i) record describing each person committed to jail, the terms of
11 confinement, for what offense or cause he was committed, and when received into jail; (ii) record of
12 each prisoner; and (iii) written policy stating the criteria for and conditions of earned credit in the
13 facility.

14 Each prisoner sentenced to 12 months or less for a misdemeanor or any combination of
15 misdemeanors shall earn good conduct credit at the rate of one day for each one day served, including
16 all days served while confined in jail prior to conviction and sentencing, in which the prisoner has not
17 violated the written rules and regulations of the jail unless a mandatory minimum sentence is imposed
18 by law. Prisoners eligible for parole under §§ 53.1-151, 53.1-152 or § 53.1-153 shall earn good conduct
19 credit at a rate of 15 days for each 30 days served with satisfactory conduct.

20 The jailer may grant the prisoner additional ~~credit~~ *credits* for performance of institutional work
21 assignments, *participation in classes*, or participation in a local work force ~~program~~ *programs*, if
22 *available at the facility*, at the rate of five days for every 30 days served. The time so deducted shall be
23 allowed to each prisoner for such time as he is confined in jail. *It shall be the responsibility of the jailer*
24 *in each facility to determine the manner in which these additional credits may be awarded and to*
25 *include this information in the written policy mandated by clause (iii) of this section.*

26 For each violation of the rules prescribed herein, the time so deducted shall be added until it equals
27 the full sentence imposed upon the prisoner by the court.

28 However, any prisoner committed to jail upon a felony offense committed on or after January 1,
29 1995, shall not earn good conduct credit, sentence credit, earned sentence credit, other credit, or a
30 combination of any credits in excess of that permissible under Article 4 (§ 53.1-202.2 et seq.) of Chapter
31 6 of this title. So much of an order of any court contrary to the provisions of this section shall be
32 deemed null and void.

33 B. Notwithstanding the provisions of § 19.2-350, in the event a person who was committed to jail to
34 be therein confined until he pays a fine imposed on him by the court in which he was tried should
35 desire to pay such fine and costs, he may pay the same to the person in charge of the jail. The person
36 receiving such moneys shall execute and deliver an official receipt therefor and shall promptly transmit
37 the amount so paid to the clerk of the court which imposed the fine and costs. Such clerk shall give him
38 an official receipt therefor and shall properly record the receipt of such moneys.

39 C. The administrator of a local or regional jail shall not assign a person to a home/electronic
40 incarceration program pursuant to subsection C of § 53.1-131.2 in a locality which has a jail operated by
41 a sheriff, without the consent of the sheriff.