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HOUSE BILL NO. 2779

Offered January 14, 2005

A BILL to amend and reenact § 53.1-159 of the Code of Virginia, relating to mandatory release on parole.

Patrons—Shuler and Dillard

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-159 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-159. Mandatory release on parole.

Every person who is sentenced and committed under the laws of the Commonwealth to the Department of Corrections or as provided for in §§ 19.2-308.1, 53.1-152 or § 53.1-153 shall be released on parole by the Virginia Parole Board six months prior to his date of final release. Each person so sentenced or committed, however, shall serve a minimum of three months of his sentence prior to such a release. Persons who are so released on parole shall be subject to a minimum of six months' supervision and an additional period of parole ending on the date upon which the parolee would have served the maximum term of confinement, or any period the Board otherwise deems appropriate in accordance with § 53.1-156. Such persons shall also be subject, for the entire period of parole fixed by the Board, to such terms and conditions prescribed by the Board in accordance with § 53.1-157.

Notwithstanding the provisions of the preceding paragraph, if within ~~thirty~~ 30 days of a release scheduled pursuant to this section, new information is presented to the Board which gives the Board reasonable cause to believe that the release poses a clear and present danger to the life or physical safety of any person, the Board may delay the release for up to six months to investigate the matter and to refer it to law-enforcement, mental health or other appropriate authorities for investigation and any other appropriate action by such authorities.

No person released on parole pursuant to § 53.1-136, and whose parole is subsequently revoked, shall be released on parole pursuant to this section until at least six months have elapsed from the date of the decision revoking his parole. *However, if parole was revoked on a technical violation, such person shall not be required to serve the minimum six months.* No person released on parole pursuant to this section, whose parole is subsequently revoked, shall thereafter be released on parole pursuant to this section. Final discharge may be extended to require the prisoner to serve the full portion of the term imposed by the sentencing court which was unexpired when the prisoner was released on parole.

For purposes of this section, (i) "maximum term of confinement" means the maximum term of incarceration established by law as punishment for the offense, (ii) "mandatory release date" means that date which is six months prior to the scheduled date of release and takes into consideration good conduct credits, ~~and~~ (iii) "final discharge" and "discharge from parole" mean that a prisoner is released from confinement having satisfied the full term imposed by the sentencing court *minus any good conduct credit in cases of technical violations and without regard to good conduct credit in cases where the prisoner has been found guilty of a new and subsequent charge, and* (iv) "technical violation" means *any failure to adhere to conditions of parole that is not deliberate defiance of those conditions or does not constitute further criminal conduct, or both.* Nothing contained herein shall be construed to create a right or entitlement to parole.

INTRODUCED

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