

VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 132

An Act to amend and reenact § 53.1-28 of the Code of Virginia, relating to the discharge of a prisoner; release of medical records.

[H 1093]

Approved March 23, 2006

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-28 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-28. Authority to fix discharge date; improper release; warrant, arrest and hearing.

For the purpose of scheduling and providing a uniform, effective and continual program of pre-release training and conditioning of prisoners, the Director shall have authority to discharge any prisoner within the Virginia penal system on any day within a period of ~~thirty~~ 30 days prior to the date upon which such prisoner's term would normally expire. *Upon discharge of a prisoner, the Department shall provide such prisoner with a copy of his medical records, so long as such prisoner requests a copy of his records at least 60 days prior to the date upon which the prisoner's term would expire. The Department shall develop procedures wherein the records are to be made available to the prisoner in a safe and secure manner.*

The Director or his designee upon the discovery of an improper release or discharge of a prisoner from custody shall report such release or discharge to the circuit court of the jurisdiction wherein the prisoner was released or discharged. The circuit court shall then issue a warrant for the arrest of the prisoner which may be executed by any duly sworn correctional officer or law-enforcement officer. Such warrant shall direct that the prisoner be presented forthwith to the court to determine the propriety of the original discharge or release. After a hearing, if the court is satisfied that the release or discharge was made improperly, the prisoner shall be returned to the state correctional facility from which he was released or discharged, or to any other correctional facility designated by the Director to serve the remainder of his sentence.