

2006 SESSION

ENROLLED

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1093]
5 Approved

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

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

8 § 53.1-28. Authority to fix discharge date; improper release; warrant, arrest and hearing.

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

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

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