

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-303 of the Code of Virginia, relating to criminal street gang*
3 *members; probation conditions.*

4 [H 901]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 19.2-303 of the Code of Virginia is amended and reenacted as follows:**8 § 19.2-303. Suspension or modification of sentence; probation; taking of fingerprints as condition of
9 probation.

10 After conviction, whether with or without jury, the court may suspend imposition of sentence or
11 suspend the sentence in whole or part and in addition may place the accused on probation under such
12 conditions as the court shall determine or may, as a condition of a suspended sentence, require the
13 accused to make at least partial restitution to the aggrieved party or parties for damages or loss caused
14 by the offense for which convicted, or to perform community service, or both, under terms and
15 conditions which shall be entered in writing by the court. The judge, after convicting the accused of a
16 felony, shall determine whether a copy of the accused's fingerprints are on file at the Central Criminal
17 Records Exchange. In any case where fingerprints are not on file, the judge shall require that
18 fingerprints be taken as a condition of probation. Such fingerprints shall be submitted to the Central
19 Criminal Records Exchange under the provisions of subsection D of § 19.2-390.

20 *After conviction and upon sentencing of an active participant or member of a criminal street gang,*
21 *the court may, as a condition for suspending the imposition of the sentence in whole or in part or for*
22 *placing the accused on probation, place reasonable restrictions on those persons with whom the accused*
23 *may have contact. Such restrictions may include prohibiting the accused from having contact with*
24 *anyone whom he knows to be a member of a criminal street gang, except that contact with a family or*
25 *household member, as defined in § 16.1-228, shall be permitted unless expressly prohibited by the court.*

26 If a person is sentenced to jail upon conviction of a misdemeanor or a felony, the court may, at any
27 time before the sentence has been completely served, suspend the unserved portion of any such sentence,
28 place the person on probation for such time as the court shall determine, or otherwise modify the
29 sentence imposed.

30 If a person has been sentenced for a felony to the Department of Corrections but has not actually
31 been transferred to a receiving unit of the Department, the court which heard the case, if it appears
32 compatible with the public interest and there are circumstances in mitigation of the offense, may, at any
33 time before the person is transferred to the Department, suspend or otherwise modify the unserved
34 portion of such a sentence. The court may place the person on probation for such time as the court shall
35 determine.

ENROLLED

HB901ER