

2007 SESSION

INTRODUCED

075057726

SENATE BILL NO. 834

Offered January 10, 2007

Prefiled January 5, 2007

A BILL to amend and reenact § 53.1-202.2 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 6 of Title 53.1 a section numbered 53.1-202.5, relating to earned sentence credits for rehabilitative programs.

Patron—Devolites Davis

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-202.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 6 of Title 53.1 a section numbered 53.1-202.5 as follows:

§ 53.1-202.2. Eligibility for earned sentence credits.

Every person who is convicted of a felony offense committed on or after January 1, 1995, and who is sentenced to serve a term of incarceration in a state or local correctional facility shall be eligible to earn sentence credits in the manner prescribed by this article. Such eligibility shall commence upon the person's incarceration in any correctional facility following entry of a final order of conviction by the committing court. As used in this chapter, "sentence credit" and "earned sentence credit" mean deductions from a person's term of confinement earned through adherence to rules prescribed pursuant to § 53.1-25, through program participation as required by §§ 53.1-32.1 and 53.1-202.3, and 53.1-202.5, and by meeting such other requirements as may be established by law or regulation. One earned sentence credit shall equal a deduction of one day from a person's term of incarceration.

§ 53.1-202.5. Rate at which sentence credits may be earned for rehabilitative program; prerequisites. Five additional sentence credits may be earned for each 30 days of participation in a rehabilitative program. The earning of these sentence credits shall be conditioned upon full and satisfactory participation in programs for earning a high school diploma or an equivalent degree, college credit, or a certification through an accredited vocational training program or other accredited continuing education program. Credit shall also be given based on completion of equivalent interventional rehabilitation programs including but not limited to mental health treatment, sex offender treatment, and any other interventional rehabilitation programs deemed appropriate for this credit by the Director. Qualified individuals who conduct or teach said programs without other compensation shall also be eligible for such credits.

Credit that has not been earned may not later be granted. Credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence. Credit awarded under this section shall vest on the last day of each calendar year or upon full completion of the included program and may be denied based on removal from any included program for noncompliance with program requirements or institutional rules.

Exemptions to the general educational development requirement may be made as deemed appropriate based on the determination and recommendation of the Department of Correctional Education personnel.

Notwithstanding any other provision of law, no portion of any sentence credits earned shall be applied to reduce the period of time a person is required to serve before becoming eligible for parole upon any sentence.

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