

2008 SESSION

INTRODUCED

087762716

HOUSE BILL NO. 38

Offered January 9, 2008

Prefiled December 5, 2007

A *BILL to amend and reenact § 53.1-187 of the Code of Virginia, relating to credit for time spent in confinement while awaiting trial.*

Patron—Scott, E.T.

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-187 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-187. Credit for time spent in confinement while awaiting trial.

Any person who is sentenced to a term of confinement in a correctional facility shall have deducted from any such term all time actually spent by the person in a state hospital for examination purposes or treatment prior to trial, in a state or local correctional facility awaiting trial or pending an appeal, or in a juvenile detention facility awaiting trial for an offense for which, upon conviction, such juvenile is sentenced to an adult correctional facility. *However, a court may order that none of the time or only a portion of the time spent in a local correctional facility be deducted from the sentence of a term of confinement when a person violates his terms of bail while awaiting trial or appeal and is incarcerated in a local correctional facility as a consequence of violation of his terms of bail.*

When entering the final order in any such case, the court shall provide that the person so convicted be given credit for the time so spent.

In no case shall a person be allowed credit for time not actually spent in confinement or in detention. In no case is a person on bail to be regarded as in confinement for the purposes of this statute. No such credit shall be given to any person who escapes from a state or local correctional facility or is absent without leave from a juvenile detention facility. Any person sentenced to confinement in a state correctional facility, in whose case the final order entered by the court in which he was convicted fails to provide for the credit authorized by this section, shall nevertheless receive credit for the time so spent in a state correctional facility. Such allowance of credit shall be in addition to the good conduct allowance provided for in Articles 2 (§ 53.1-192 et seq.) and 3 (§ 53.1-198 et seq.) of this chapter or the earned sentence credits provided for in Article 4 (§ 53.1-202.2 et seq.) of this chapter.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$340,869 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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