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SENATE BILL NO. 1235

Senate Amendments in [] - February 10, 2009

A BILL to amend and reenact § 53.1-40.01 of the Code of Virginia, relating to conditional release of terminally ill or totally disabled prisoners.

Patron Prior to Engrossment—Senator Barker

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-40.01 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-40.01. Conditional release of geriatric, terminally ill, or totally disabled prisoners.

Any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, (i) who has reached the age of sixty-five or older and who has served at least five years of the sentence imposed or; (ii) who has reached the age of sixty or older and who has served at least ten years of the sentence imposed; (iii) who is terminally ill; or (iv) who is permanently and totally disabled may petition the Parole Board for conditional release. The Parole Board shall promulgate regulations to implement the provisions of this section. [Any person who is designated terminally ill and granted conditional release shall be remanded upon a determination that such person has recovered from the terminal illness or is issued a prognosis which does not estimate death within six months or less.]

For purposes of this section:

"Permanently and totally disabled" means unable to engage in any substantial gainful activity by reason of any medically determinable physical impairment or deformity that can be expected to result in death or can be expected to last for the duration of such person's life.

"Terminally ill" means having an illness or sickness where the medical prognosis is the person's death within six months or less.

ENGROSSED

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