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**HOUSE BILL NO. 1316**

Offered January 22, 2010

A *BILL to amend and reenact § 53.1-155.1 of the Code of Virginia, relating to residential community programs.*

Patrons—BaCote, Herring, Hope, McClellan, McQuinn and Ward

Referred to Committee on Militia, Police and Public Safety

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

**1. That § 53.1-155.1 of the Code of Virginia is amended and reenacted as follows:**

§ 53.1-155.1. Participation in residential community program prior to final release.

The Department ~~may~~ *shall, where appropriate and when resources are available*, give nonviolent prisoners who have not been convicted of a violent crime and who have been sentenced to serve a term of imprisonment of at least three years sentenced upon a conviction of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate sexual penetration or aggravated sexual battery, or sentenced to one or more life terms, the opportunity to participate in a residential community program, work release, or a community-based program approved by the Secretary of Public Safety within six months of such prisoner's for a period of six months or a period of 10 percent of the individual's original sentence, whichever is less, prior to the individual's otherwise projected or mandatory release date.

The Secretary shall prescribe guidelines to govern the residential community programs, work release, or community-based programs. *Such guidelines shall emphasize training and education related to job skills, literacy, money management, and other life skills.*

Any wages earned pursuant to this section by a prisoner may be paid to the director or administrator of the program after standard payroll deductions required by law. Distribution of such wages shall be made for the following purposes:

1. To pay an amount to defray the cost of his keep, *not to exceed 30 percent of the individual's gross earnings*;

2. To pay travel and other such expenses made necessary by his work release, employment, or participation in a residential community program or a community-based program;

3. To provide support and maintenance for his dependents or to make payments to the local department of social services or the Commissioner of Social Services, as appropriate, on behalf of dependents who are receiving public assistance as defined in § 63.2-100; or

4. To pay any fines, restitution, or costs as ordered by the court.

Any balance at the end of his sentence shall be paid to the prisoner upon his release.