

2010 SESSION

SENATE SUBSTITUTE

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SENATE BILL NO. 670

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 3, 2010)

(Patron Prior to Substitute—Senator McDougle)

A BILL to amend and reenact § 53.1-41 of the Code of Virginia, relating to work programs; payment of fines and costs.

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-41 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-41. Opportunities for work and career and technical education.

A. To the extent feasible, it shall be the duty of the Director to provide persons sentenced to the Department with opportunities to work and to participate in career and technical education programs as operated by the Department of Correctional Education in accordance with § 22.1-339 et seq. Such work opportunities may include business, industrial, agricultural, highway maintenance and construction, and work release programs as hereafter specified in this article. In addition, prisoners may be employed to improve, repair, work on or cultivate public property or buildings.

In addition to meeting the qualifications for work performance and security compatibility, preference for placement in work programs shall be given to any prisoner who requests a work assignment and assigns a minimum of 50% of his earnings to his child support obligation.

B. When a person committed to the Department owes any court imposed fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work program to either make full payment or make payments in accordance with an agreed upon installment or deferred payment plan while participating in such work program. If, after the person enters into an installment or deferred payment agreement, the person fails to pay as agreed, his participation in the work program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director shall withhold such payments from any amounts due to such person.

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