

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 53.1-116 of the Code of Virginia, relating to local correctional facilities;*  
3 *jailers; revocation of good conduct credits.*

4 [H 2219]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 53.1-116 of the Code of Virginia is amended and reenacted as follows:**

8 § 53.1-116. What records and policy jailer shall keep; how time deducted or added for felons and  
9 misdemeanants; payment of fine and costs by person committed to jail until he pays.

10 A. The jailer shall keep a (i) record describing each person committed to jail, the terms of  
11 confinement, for what offense or cause he was committed, and when received into jail; (ii) record of  
12 each prisoner; and (iii) written policy stating the criteria for and conditions of earned credit in the  
13 facility *and the revocation of such credit.*

14 Unless he is serving a mandatory minimum sentence of confinement, each prisoner sentenced to 12  
15 months or less for a misdemeanor or any combination of misdemeanors shall earn good conduct credit  
16 at the rate of one day for each one day served, including all days served while confined in jail prior to  
17 conviction and sentencing, in which the prisoner has not violated the written rules and regulations of the  
18 jail.

19 Prisoners eligible for parole under §§ 53.1-151, 53.1-152 or § 53.1-153 shall earn good conduct  
20 credit at a rate of 15 days for each 30 days served with satisfactory conduct.

21 The jailer may grant the prisoner additional credits for performance of institutional work assignments,  
22 participation in classes, or participation in local work force programs, if available at the facility, at the  
23 rate of five days for every 30 days served. The time so deducted shall be allowed to each prisoner for  
24 such time as he is confined in jail. It shall be the responsibility of the jailer in each facility to determine  
25 the manner in which these additional credits may be awarded and to include this information in the  
26 written policy mandated by clause (iii) of this subsection.

27 For each violation of the rules prescribed herein, the time so deducted shall be added until it equals  
28 the full sentence imposed upon the prisoner by the court.

29 However, any prisoner committed to jail upon a felony offense committed on or after January 1,  
30 1995, shall not earn good conduct credit, sentence credit, earned sentence credit, other credit, or a  
31 combination of any credits in excess of that permissible under Article 4 (§ 53.1-202.2 et seq.) of Chapter  
32 6 of this title. So much of an order of any court contrary to the provisions of this section shall be  
33 deemed null and void.

34 B. Notwithstanding the provisions of § 19.2-350, in the event a person who was committed to jail to  
35 be therein confined until he pays a fine imposed on him by the court in which he was tried should  
36 desire to pay such fine and costs, he may pay the same to the person in charge of the jail. The person  
37 receiving such moneys shall execute and deliver an official receipt therefor and shall promptly transmit  
38 the amount so paid to the clerk of the court which imposed the fine and costs. Such clerk shall give him  
39 an official receipt therefor and shall properly record the receipt of such moneys.

40 C. The administrator of a local or regional jail shall not assign a person to a home/electronic  
41 incarceration program pursuant to subsection C of § 53.1-131.2 in a locality which has a jail operated by  
42 a sheriff, without the consent of the sheriff.

ENROLLED

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