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SENATE BILL NO. 796

Offered January 12, 2011

Prefiled December 29, 2010

A BILL to amend and reenact § 53.1-202.2 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 6 of Title 53.1 a section numbered 53.1-202.5, relating to rehabilitative programming; earned sentence credits.

Patrons—Locke; Delegates: Carr and Pogge

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-202.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 6 of Title 53.1 a section numbered 53.1-202.5 as follows:

§ 53.1-202.2. Eligibility for earned sentence credits.

A. Every person who is convicted of a felony offense committed on or after January 1, 1995, and who is sentenced to serve a term of incarceration in a state or local correctional facility shall be eligible to earn sentence credits in the manner prescribed by this article. Such eligibility shall commence upon the person's incarceration in any correctional facility following entry of a final order of conviction by the committing court. As used in this chapter, "sentence credit" and "earned sentence credit" mean deductions from a person's term of confinement earned through adherence to rules prescribed pursuant to § 53.1-25, through program participation as required by §§ 53.1-32.1 and 53.1-202.3, and 53.1-202.5, and by meeting such other requirements as may be established by law or regulation. One earned sentence credit shall equal a deduction of one day from a person's term of incarceration.

B. A juvenile convicted as an adult and sentenced as a serious juvenile offender under clause (i) of subdivision A 1 of § 16.1-272 shall be eligible to earn sentence credits for the portion of the sentence served with the Department of Juvenile Justice in the manner prescribed by this article. Consideration for earned sentence credits shall require adherence to the facility's rules and the juvenile's progress toward treatment goals and objectives while sentenced as a serious juvenile offender under § 16.1-285.1.

§ 53.1-202.5. *Rate at which sentence credits may be earned for rehabilitative programming; prerequisites.*

Ten additional sentence credits may be earned for each 30 days of rehabilitative programming. The earning of these sentence credits shall be conditioned upon full and satisfactory participation in programs for earning a high school diploma or an equivalent degree, college credit, or a certification through an accredited vocational training program or other accredited continuing education program. Credit shall also be given based on equivalent interventional rehabilitation programs completion, including but not limited to mental health treatment, sex offender treatment, and any other interventional rehabilitation programs deemed appropriate for this credit by the Director. Qualified individuals who conduct or teach such programs without other compensation shall also be eligible for such credits.

Credit that has not been earned may not later be granted. Credit for the last year or portion of a year of the term of imprisonment shall be prorated and credited within the last six weeks of the sentence. Credit awarded under this section shall vest on the last day of each calendar year or upon full completion of the included program and may be denied based upon removal from any included program for noncompliance with program requirements or institutional rules.

Exemptions to the General Educational Development requirement may be made as deemed appropriate based upon the determination and recommendation of Department of Correctional Education personnel.

Notwithstanding any other provision of law, no portion of any sentence credits earned shall be applied to reduce the period of time a person must serve before becoming eligible for parole upon any sentence.

INTRODUCED

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