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1 **SENATE BILL NO. 586**
2 Offered January 18, 2012
3 *A BILL to amend and reenact § 53.1-203 of the Code of Virginia, relating to felonies by prisoners;*
4 *penalties.*
5 —————————

Patrons—Northam; Delegate: Stolle
6 —————————
7 Unanimous consent to introduce
8 —————————
9 Referred to Committee on Rehabilitation and Social Services
10 —————————
11 **Be it enacted by the General Assembly of Virginia:**
12 **1. That § 53.1-203 of the Code of Virginia is amended and reenacted as follows:**
13 § 53.1-203. Felonies by prisoners; penalties.
14 It shall be unlawful for a prisoner in a state, local or community correctional facility or in the
15 custody of an employee thereof to:
16 1. Escape from a correctional facility or from any person in charge of such prisoner;
17 2. Willfully break, cut or damage any building, furniture, fixture or fastening of such facility or any
18 part thereof for the purpose of escaping, aiding any other prisoner to escape therefrom or rendering such
19 facility less secure as a place of confinement;
20 3. Make, procure, secrete or have in his possession any instrument, tool or other thing for the
21 purpose of escaping from or aiding another to escape from a correctional facility or employee thereof;
22 4. Make, procure, secrete or have in his possession a knife, instrument, tool or other thing not
23 authorized by the superintendent or sheriff which is capable of causing death or bodily injury;
24 5. Procure, sell, secrete or have in his possession any chemical compound which he has not lawfully
25 received;
26 6. Procure, sell, secrete or have in his possession a controlled substance classified in Schedule III of
27 the Drug Control Act (§ 54.1-3400 et seq.), marijuana, or synthetic cannabinoids as defined in
28 § 18.2-248.1:1;
29 7. Introduce into a correctional facility or have in his possession firearms or ammunition for
30 firearms;
31 8. Willfully burn or destroy by use of any explosive device or substance, in whole or in part, or
32 cause to be so burned or destroyed, any personal property, within any correctional facility;
33 9. Willfully tamper with, damage, destroy, or disable any fire protection or fire suppression system,
34 equipment, or sprinklers within any correctional facility; or
35 10. Conspire with another prisoner or other prisoners to commit any of the foregoing acts.
36 For violation of any of the provisions of this section, except subdivision 6, the prisoner shall be
37 guilty of a Class 6 felony. For a violation of subdivision 6, he shall be guilty of a Class 5 felony. If the
38 violation is of subdivision 1 of this section and the escapee is a felon, he shall be sentenced to a
39 mandatory minimum term of confinement of one year, which shall be served consecutively with any
40 other sentence. The prisoner shall, upon conviction of escape, immediately commence to serve such
41 escape sentence, and he shall not be eligible for parole during such period. Any prisoner sentenced to
42 life imprisonment who escapes shall not be eligible for parole. No part of the time served for escape
43 shall be credited for the purpose of parole toward the sentence or sentences, the service of which is
44 interrupted for service of the escape sentence, nor shall it be credited for such purpose toward any other
45 sentence.
46 *A prosecution under this section shall not prohibit or bar any prosecution or proceeding under*
47 *§ 18.2-308 or 18.2-308.2, or the imposition of any penalties provided for therein.*
48 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
49 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
50 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
51 **890 of the Acts of Assembly of 2011 requires the Virginia Criminal Sentencing Commission to**
52 **assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
53 **necessary appropriation is $0 for periods of commitment to the custody of the Department of**
54 **Juvenile Justice.**

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