

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-303.5 of the Code of Virginia, relating to immediate sanction*  
3 *probation program; expansion.*

4  
5 Approved

[H 232]

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

7 **1. That § 19.2-303.5 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 19.2-303.5. Immediate sanction probation programs.**

9 There may be established in the Commonwealth up to ~~two~~ *four* immediate sanction probation  
10 programs in accordance with the following provisions:

11 1. As a condition of a sentence suspended pursuant to § 19.2-303, a court may order a defendant  
12 convicted of a crime, other than a violent crime as defined in subsection C of § 17.1-805, to participate  
13 in an immediate sanction probation program.

14 2. If a participating offender fails to comply with any term or condition of his probation and the  
15 alleged probation violation is not that the offender committed a new crime or infraction, (i) his  
16 probation officer shall immediately issue a noncompliance letter pursuant to § 53.1-149 authorizing his  
17 arrest at any location in the Commonwealth and (ii) his probation violation hearing shall take priority on  
18 the court's docket. The probation officer may, in any event, exercise any other lawful authority he may  
19 have with respect to the offender.

20 3. When a participating offender is arrested pursuant to subdivision 2, the court shall conduct an  
21 immediate sanction hearing unless (i) the alleged probation violation is that the offender committed a  
22 new crime or infraction; (ii) the alleged probation violation is that the offender absconded for more than  
23 seven days; or (iii) the offender, attorney for the Commonwealth, or the court objects to such immediate  
24 sanction hearing. If the court conducts an immediate sanction hearing, it shall proceed pursuant to  
25 subdivision 4. Otherwise, the court shall proceed pursuant to § 19.2-306.

26 4. At the immediate sanction hearing, the court shall receive the noncompliance letter, which shall be  
27 admissible as evidence, and may receive other evidence. If the court finds good cause to believe that the  
28 offender has violated the terms or conditions of his probation, it may (i) revoke no more than 30 days  
29 of the previously suspended sentence and (ii) continue or modify any existing terms and conditions of  
30 probation. If the court does not modify the terms and conditions of probation or remove the defendant  
31 from the program, the previously ordered terms and conditions of probation shall continue to apply. The  
32 court may remove the offender from the immediate sanction probation program at any time.

33 5. The provisions of this section shall expire on July 1, ~~2012~~ *2016*.

ENROLLED

HB232ER