

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

CHAPTER 101

An Act to amend and reenact §§ 53.1-133.02 and 53.1-160 of the Code of Virginia, relating to notice to be given to victim upon prisoner transfer.

[S 1311]

Approved March 10, 2015

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 53.1-133.02 and 53.1-160 of the Code of Virginia are amended and reenacted as follows:**

§ 53.1-133.02. Notice to be given upon prisoner release, escape, etc.

Prior to the release, including work release, or discharge of any prisoner, ~~or as soon as practicable following~~ his transfer to a prison, a different jail facility, or any other correctional or detention facility, ~~or upon~~ his escape, or the change of his name, the sheriff or superintendent who has custody of the prisoner shall give notice of any such occurrence, delivered by first-class mail or by telephone or both, to any victim of the offense as defined in § 19.2-11.01 who, in writing, requests notice or to any person designated in writing by the victim. The notice shall be given at least ~~fifteen~~ 15 days prior to release or ~~transfer, or discharge and~~ as soon as practicable following a transfer, an escape, or a change of name. Notice shall be given using the address and telephone number provided in writing by the victim. For the purposes of this section, "prisoner" means a person sentenced to serve more than ~~thirty~~ 30 days of incarceration or detention. Such notification may be provided through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system.

No civil liability shall attach for a failure to give notice as provided in this section.

§ 53.1-160. Notice to be given upon prisoner release, escape, etc.

A. Prior to the release or discharge of any prisoner, the Department shall have notice of the release or discharge delivered by first-class mail or by electronic means to the court that committed the person to the Department of Corrections and to the sheriff, chief of police, and attorney for the Commonwealth (i) of the jurisdiction in which the offense occurred, (ii) of the jurisdiction in which the person resided prior to conviction, and (iii), if different from clauses (i) and (ii), of the jurisdiction in which the person intends to reside subsequent to being released or discharged. Such notice shall include, but not be limited to, identification of the specific offense or offenses for which the prisoner had been sentenced, the term or terms of imprisonment imposed, and the date the prisoner was committed to the Department of Corrections.

The Department shall (a) have notice of the release or discharge of any prisoner, ~~or of his transfer to a jail facility, a different prison facility, or any other correctional or detention facility,~~ delivered by first-class mail 15 days prior to any such occurrence, or by telephone if notice by first-class mail cannot be delivered 15 days prior to the occurrence; (b) *give notice as soon as practicable following the transfer of any prisoner to a jail facility, a different prison facility, or any other correctional or detention facility by first-class mail or telephone;* (c) give notice as soon as practicable by telephone upon the escape of a prisoner; and ~~(e)~~ (d) *give notice as soon as practicable* by first-class mail upon the change of a prisoner's name, to any victim, as defined in § 19.2-11.01, of the offense for which the prisoner was incarcerated or to any person designated in writing by the victim. Notice shall be given using the address and telephone number provided by the victim. For the purposes of this section, "prisoner" means a person sentenced to serve more than 30 days of incarceration or detention.

B. Fifteen days prior to the release of any prisoner to an authorized work release program or release to attend a business, educational or other related community program, the Department shall give notice to (i) the attorney for the Commonwealth, (ii) the chief law-enforcement officer of the jurisdiction in which the work on release will be performed or attendance at an authorized program will be permitted, and (iii) any victim, as defined in § 19.2-11.01, of the offense for which the prisoner was incarcerated or any person designated in writing by the victim at the address or phone number provided by the victim.

Every notice to the attorney for the Commonwealth or to the chief law-enforcement officer shall include the name, address, and criminal history of the participating prisoner, and other information upon request. The transmission of information shall be confidential and not subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

C. Notification under this section may be provided to a victim as defined in § 19.2-11.01 through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system.

No civil liability shall attach for the failure to give notice as provided in this section.