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SENATE BILL NO. 1290

Offered January 11, 2017

Prefiled January 10, 2017

A BILL to amend and reenact §§ 53.1-128 and 53.1-129 of the Code of Virginia, relating to orders permitting prisoners to work on workforces; sentencing.

Patron—Chafin

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:**1. That §§ 53.1-128 and 53.1-129 of the Code of Virginia are amended and reenacted as follows:****§ 53.1-128. Workforces and authorized workplaces.**

The local governing body of any county, city or town may establish workforces in the county, city or town under such conditions as it may prescribe. Such workforces are authorized to work on (i) public property or works owned, leased or operated by the Commonwealth or the county, city or town; (ii) a privately operated national park on federal land; (iii) any property owned by a nonprofit organization that is exempt from taxation under 26 U.S.C. § 501(c)(3) or (c)(4) and that is organized and operated exclusively for charitable or social welfare purposes whether the same is located within such county, city or town, or elsewhere; or (iv) private property (a) owned or occupied by an elderly or indigent person or persons where such property has been identified by a citizens housing advisory committee as needing rehabilitation or repair and the property owner has consented to such work or (b) classified as or used as a cemetery where such property has been abandoned and where on such property exist nuisances that have been identified by a municipal corporation for abatement or removal pursuant to § 15.2-1115 or a similar local ordinance. Every person 18 years of age or older who is convicted and confined for any violation of a local ordinance and who is confined as a punishment or for failure to pay a required fine, shall be liable to work in such workforce. Every person 18 years of age or older who is confined pending disposition of a nonviolent criminal offense or an offense under Chapter 5 (§ 20-61 et seq.) of Title 20 may work in such workforce on a voluntary basis with the approval of and under the supervision of the sheriff. *A circuit court judge or general district court judge may request any local governing body within the judicial circuit or district of such judge to establish a workforce pursuant to this section.*

§ 53.1-129. Order permitting prisoners to work on state, county, city, town, certain private property or nonprofit organization property; bond of person in charge of prisoners.

The circuit court of any county or city may, by order entered of record, allow persons confined in the jail of such county or city who are awaiting disposition of, or serving sentences imposed for misdemeanors or felonies, to work on (i) state, county, city or town property, (ii) any property owned by a nonprofit organization that is exempt from taxation under 26 U.S.C. § 501(c)(3) and that is organized and operated exclusively for charitable or social welfare purposes on a voluntary basis with the consent of the county, city, town or state agency or the local public service authority or upon the request of the nonprofit organization involved, (iii) private property that is part of a community improvement project sponsored by a locality or that has structures that are found to be public nuisances pursuant to §§ 15.2-900 and 15.2-906 provided that the court has reviewed and approved the project for the purposes herein and permits the prisoners to work on such project, (iv) any private property utilized by a nonprofit organization that is exempt from taxation under 26 U.S.C. § 501(c)(3), ~~or~~ (v) private property in any locality that meets the criteria under an ordinance adopted by such locality under § 15.2-908, *or* (vi) any workforce authorized pursuant to § 53.1-128. The district court of any county or city may allow persons confined in the jail of such county or city who are awaiting disposition of, or serving sentences imposed for, misdemeanors to work on (a) state, county, city or town property, (b) any property owned by a nonprofit organization that is exempt from taxation under 26 U.S.C. § 501(c)(3) and that is organized and operated exclusively for charitable or social welfare purposes on a voluntary basis with consent of the county, city, town or state agency or the local public service authority or upon the request of the nonprofit organization involved, (c) private property that is part of a community improvement project sponsored by a locality or that has structures that are found to be public nuisances pursuant to §§ 15.2-900 and 15.2-906 provided that the court has reviewed and approved the project for the purposes herein and permits the prisoners to work on such project, (d) any private property utilized by a nonprofit organization that is exempt from taxation under 26 U.S.C. § 501(c)(3), ~~or~~ (e) private property in any locality that meets the criteria under an ordinance adopted by such locality under § 15.2-908, *or* (vi) any workforce authorized pursuant to § 53.1-128. Prisoners

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SB1290

59 performing work as provided in this paragraph receive credit on their respective sentences for the work
60 done, whether such sentences are imposed prior or subsequent to the work done, as the court orders.

61 The court may, by order entered of record, require a person convicted of a felony to work on state,
62 county, city or town property, with the consent of the county, city, town or state agency or the local
63 public service authority involved, for such credit on his sentence as the court orders.

64 In the event that a person other than the sheriff or jail superintendent is designated by the court to
65 have charge of such prisoners while so working, the court shall require a bond of the person, in an
66 amount to be fixed by the court, conditioned upon the faithful discharge of his duties. Neither the sheriff
67 nor the jail superintendent shall be held responsible for any acts of omission or commission on the part
68 of such person.

69 Any person committed to jail upon a felony offense committed on or after January 1, 1995, who
70 receives credit on his sentence as provided in this section shall not be entitled to good conduct credit,
71 sentence credit, earned sentence credit, other credit, or a combination of any credits in excess of that
72 permissible under Article 4 (§ 53.1-202.2 et seq.) of Chapter 6 of this title. So much of an order of any
73 court contrary to the provisions of Article 4 of Chapter 6 shall be deemed null and void.