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HOUSE BILL NO. 2172

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to amend and reenact § 53.1-40.01 of the Code of Virginia, relating to conditional release of geriatric prisoners; exceptions.*

Patron—Miyares

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-40.01 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-40.01. Conditional release of geriatric prisoners; exceptions.

Any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, *murder in the first degree in violation of § 18.2-32, or a violation of clause (ii), (iii), or (v) of § 18.2-48, § 18.2-61, 18.2-67.1, 18.2-67.2, or 18.2-67.3, subsection B of § 18.2-361, subsection B of § 18.2-366, or § 18.2-370, 18.2-370.1, or 18.2-374.1,* (i) who has reached the age of ~~sixty-five~~ 65 or older and who has served at least five years of the sentence imposed or (ii) who has reached the age of ~~sixty~~ 60 or older and who has served at least ~~ten~~ 10 years of the sentence imposed may petition the Parole Board for conditional release. The Parole Board shall promulgate regulations to implement the provisions of this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB2172