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HOUSE BILL NO. 1224

Offered January 8, 2020
Prefiled January 7, 2020

A BILL to amend and reenact § 53.1-40.01 of the Code of Virginia, relating to 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.

Any person serving a sentence imposed upon a conviction for a felony offense, other than *(i)* a Class 1 felony, *(ii) if the offense was committed on or after July 1, 2020, murder in the first degree in violation of § 18.2-32, or (iii) if the offense was committed on or after July 1, 2020, a sexually violent offense as defined in § 37.2-900,* ~~(i)~~ *(a)* 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)~~ *(b)* 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 exclusion set forth in clause (iii) shall not apply to any person who is serving a life sentence for any crime other than homicide and who was under the age of 18 at the time of the commission of the offense.* 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.

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