

2021 SESSION

INTRODUCED

21100257D

SENATE BILL NO. 1232

Offered January 13, 2021

Prefiled January 11, 2021

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

Patron—Chase

Referred to Committee on Rehabilitation and Social Services

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; ~~(i);~~ (ii) if the offense was committed on or after July 1, 2021, murder in the first degree or second degree in violation of § 18.2-32; or (iii) if the offense was committed on or after July 1, 2021, murder of a pregnant woman in violation of § 18.2-32.1, who has reached the age of ~~sixty-five~~ 70 or older and who has served at least ~~five years~~ 65 percent of the sentence imposed ~~or (ii) who has reached~~ the age of sixty or older and who has served at least ten 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 cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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