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SENATE BILL NO. 365

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on February 15, 1994)

(Patron Prior to Substitute—Senator Earley)

A BILL to amend and reenact § 53.1-150 of the Code of Virginia, relating to contributions by persons on parole.

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-150 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-150. Contributions by persons on parole, probation, and work release; delinquency as grounds for revocation of parole or probation; exemptions.

A. Any person (i) who is placed on parole, convicted of a felony, multiple felonies or a combination of felonies and misdemeanors and who is sentenced to incarceration in a local or state correctional facility, or who is granted suspension of sentence and probation by a court of competent jurisdiction, or who is participating in a community diversion program as provided in § 53.1-181, or who is participating in a work release program pursuant to the provisions of § 53.1-60, (ii) who is under the supervision of the Department, which shall include being under the supervision of a court services officer who is employed by the Department and serves a general district court, or of a community diversion program as provided in § 53.1-181, and (iii) who is gainfully employed, shall be required to contribute thirty dollars per month or, if such person is under the supervision of a court services officer of a general district court, then, in the discretion of the court, an amount not to exceed thirty dollars per month, toward the cost of his supervision beginning thirty days from the date he is employed who is participating in a home/electronic incarceration program as provided in § 53.1-131.2, shall be required to pay a fee of \$200 towards the cost of his confinement, supervision or participation as a condition of his sentence.

Any person convicted of a misdemeanor or multiple misdemeanors and who is sentenced to incarceration in a local correctional facility, or who is granted suspension of sentence and probation by a court of competent jurisdiction, or who is participating in a community diversion program as provided in § 53.1-181, or who is participating in a home/electronic incarceration program as provided in § 53.1-131.2, shall be required to pay a fee of fifty dollars towards the cost of his confinement, supervision or participation as a condition of his sentence.

Such sums shall be deducted by the parolee, probationer, or participant in a community diversion program from his monthly net earned income and shall be delivered to the Department pursuant to rules and regulations adopted by the Board of Corrections. By prior agreement between an employer and parolee, probationer, or participant in a community diversion program, an employer may deduct thirty dollars from the monthly earned income of the parolee or probationer and remit such amount to the Department pursuant to rules and regulations adopted by the Board of Corrections. In the case of prisoners employed pursuant to § 53.1-60, such sums shall be deducted by the Director from any wages earned by the prisoners. All such funds collected by the Department pursuant to this section shall be deposited in the general fund of the state treasury.

In the event of more than two months' delinquency in making such contributions by a parolee or probationer, such delinquency may constitute sufficient grounds for revocation of his parole or probation. In the event that a probationer or parolee has made timely payments pursuant to this subsection for a total of sixty months without revocation of his probation or parole or extension of the length of his probation or parole, then he shall have no further obligation to contribute toward the cost of his supervision for the offense or offenses for which he was originally placed on probation or parole.

B. The Virginia Parole Board may exempt a parolee from the requirements of subsection A on the grounds of unreasonable hardship, and the sentencing court may exempt a probationer or participant in a community diversion program defendant from the requirements of subsection A on the grounds of unreasonable hardship. The Director may exempt a work releasee from the requirements of subsection A on the grounds of unreasonable hardship. Any parolee or probationer transferred to or from other states under the supervision of the interstate compact for the supervision of parolees or probationers shall be exempt from the requirements of subsection A.

Any defendant parolee, probationer, participant in a community diversion program or work releasee who is exempted from the requirements of subsection A and any person specified in subsection A who is not gainfully employed may shall be required to perform community service as an alternative to the contribution toward the cost of his confinement, supervision or participation. Any person delinquent in making supervision fee payments may be required to perform community service in lieu of making outstanding payments. The authority to require such community service shall be vested in the Virginia

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60 Parole Board for parolees, the sentencing court for probationers and participants in a community
61 diversion program, and the Director for work releasees. The Board shall promulgate regulations
62 establishing standards for the uniform imposition of such community service to insure uniform
63 application of any requirement for such community service.

64 C. The provisions of subsection A shall not apply to any person against whom further proceedings
65 have been deferred pursuant to § 18.2-251. Any person (i) who is granted parole or (ii) who participates
66 in a work release program pursuant to the provisions of §§ 53.1-60 and 53.1-131 shall be required to
67 pay the fee required in subsection A as a condition of parole or work release.