

LD0178728

SENATE BILL NO. 362

Offered January 25, 1994

A BILL to amend and reenact §§ 53.1-196, 53.1-199, and 53.1-202 of the Code of Virginia, relating to parole eligibility.

Patron—Robb

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-196, 53.1-199, and 53.1-202 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-196. Good conduct credits of persons convicted after October 1, 1942; effect of credit upon eligibility for parole.

Every person convicted of a felony on or after October 1, 1942 and every person convicted of a misdemeanor and confined in any state correctional facility shall, for every twenty days of confinement after sentence, either in a local correctional facility awaiting transfer to the Department or in any state correctional facility serving the sentence imposed upon him, without violation of any written jail or prison rule or regulation, be allowed a credit of ten days upon his total term of confinement to which he has been sentenced, in addition to the time he actually serves. So much of the credit allowed to misdemeanants by this section as applies to time served prior to June 24, 1944, shall be in lieu of, and not in addition to, any credit they may have earned under the law as it existed prior to such date.

Any credit allowed under the provisions of this section *and accumulated prior to July 1, 1994*, shall also be considered as reducing the term of imprisonment to which the prisoner was or is sentenced for the purpose of determining his eligibility for parole. *Any credit allowed under the provisions of this section and accumulated on and after July 1, 1994, shall not be considered for the purpose of determining eligibility for parole.*

So much of an order of any court contrary to the provisions of this section shall be deemed null and void.

§ 53.1-199. Eligibility for good conduct allowance; application.

Every person who, on or after July 1, 1981, has been convicted of a felony and every person convicted of a misdemeanor and to whom the provisions of §§ 53.1-151, 53.1-152 or § 53.1-153 apply, and every person who, in accordance with § 53.1-198, chooses the system of good conduct allowances set out herein, may be entitled to good conduct allowance not to exceed the amount set forth in § 53.1-201. Such good conduct allowance shall be applied to reduce the person's maximum term of confinement while he is confined in any state correctional facility. One-half of the credit allowed under the provisions of § 53.1-201 *and accumulated prior to July 1, 1994*, shall be applied to reduce the period of time a person shall serve before being eligible for parole. *No credit allowed under the provisions of § 53.1-201 and accumulated on and after July 1, 1994, shall be applied to reduce the period of time a person shall serve before being eligible for parole.*

Any person who, on or after July 1, 1993, has been sentenced upon a conviction of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration or aggravated sexual battery and any person who has been sentenced to a term of life imprisonment or two or more life sentences shall be classified within the system established by § 53.1-201. Such person shall be eligible for no more than ten days good conduct credit for each thirty days served, regardless of the class to which he is assigned. One-half of such credit *accumulated prior to July 1, 1994*, shall be applied to reduce the period of time he shall serve before being eligible for parole. *No such credit accumulated on and after July 1, 1994, shall be applied to reduce the period of time he shall serve before being eligible for parole.* Additional good conduct credits may be approved by the Board for such persons in accordance with § 53.1-191.

§ 53.1-202. Good conduct allowance for previous confinement; entry level.

Upon receipt by the Department, persons who have been confined while awaiting transfer to a state correctional facility shall be credited with such time as is certified to the Department in accordance with §§ 53.1-116 and 53.1-129 and as is otherwise provided by law. Certified good conduct allowance shall be applied to reduce the person's maximum term of confinement, and one-half of such credit *accumulated before July 1, 1994*, shall be applied to reduce the period of time the person shall serve before being eligible for parole. *No such credit accumulated on and after July 1, 1994, shall be applied to reduce the period of time the person shall serve before being eligible for parole.*

After admission to a state correctional facility, a person shall be credited at the rate of fifteen days

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60 for each thirty days of time served with satisfactory conduct. The person shall remain in this credit level
61 until classified in accordance with § 53.1-201.
62 **2. That the provisions of this act may result in a net increase in periods of imprisonment in state**
63 **correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation**
64 **is \$48,938,400.**