

LD1534825

SENATE BILL NO. 417

Offered January 25, 1994

*A BILL to amend and reenact § 53.1-161 of the Code of Virginia, relating to parole revocation.*Patrons—Goode, Cross and Robb; Delegates: Almand, Armstrong, Ball, Copeland, Cunningham,
Reynolds and Woodrum

Referred to the Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:**1. That § 53.1-161 of the Code of Virginia is amended and reenacted as follows:**

§ 53.1-161. Arrest and return of parolee; warrant; release pending adjudication of violation.

The Chairman or any member of the Board may at any time upon information or a showing of a violation or a probable violation by any parolee of any of the terms or conditions upon which he was released on parole, issue or cause to be issued, a warrant for the arrest and return of the parolee to the institution from which he was paroled, or to any other correctional facility which may be designated by the Chairman or member. However, a determination of whether a parolee returned to a correctional facility pursuant to this section shall be *ultimately* returned to a state or local correctional facility shall be made based on (i) the length of the parolee's original sentence as set forth in § 53.1-20 and (ii) the reason for parole revocation. Each such warrant shall authorize all officers named therein to arrest and return the parolee to actual custody in the facility from which he was paroled, or to any other facility designated by the Chairman or member. *In any event, a parolee with a sentence of more than two years who has not been charged with a new crime must be received by the Director within sixty days following the hearing resulting in parole revocation.*

In any case in which the parolee is charged with the violation of any law, the violation of which caused the issuance of such warrant, upon request of the parolee or his attorney, the Chairman or member shall as soon as practicable consider all the circumstances surrounding the allegations of such violation, including the probability of conviction thereof, and may, after such consideration, release the parolee, pending adjudication of the violation charged.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$796,220.

INTRODUCED

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