

LD4775661

SENATE BILL NO. 907

Offered January 23, 1995

A BILL to amend and reenact § 19.2-298 of the Code of Virginia, relating to pronouncement of sentence; costs.

Patron—Gartlan

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-298 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-298. Pronouncement of sentence.

After a finding of guilty, sentence shall be pronounced, or decision to suspend the imposition of sentence shall be announced, without unreasonable delay. Pending pronouncement, the court may commit the accused to jail or may continue or alter the bail except that in those cases where the accused is convicted of a murder in the first degree, the court shall commit him to jail and he shall not be allowed bail pending the pronouncement of sentence. Before pronouncing the sentence, the court shall inquire of the accused if he desires to make a statement and if he desires to advance any reason why judgment should not be pronounced against him.

If a term of imprisonment is imposed the court shall state on the record, in open court, the reasons for the sentence imposed and, if the sentence is not suspended, the total cost of incarceration determined as provided in this section. The reasons and costs shall also be included in the final order of conviction. A copy of the final order shall be promptly forwarded to the Office of the Executive Secretary of the Supreme Court.

The total cost of incarceration shall be calculated using a per diem rate determined annually by the Department of Planning and Budget in conjunction with the Department of Corrections, the Senate Finance Committee and the House Appropriations Committee. The per diem rate shall be determined using actual costs of incarceration, including but not limited to, operating costs, capital outlays and interest on debts. A separate per diem rate shall be determined for the costs of confinement in a local correctional facility following conviction for a felony but prior to the time that the defendant becomes a state-responsible inmate. The rates shall be made available to the Executive Secretary of the Supreme Court on or before July 1 of each year, who shall be responsible for providing the rates to each circuit and district court in the Commonwealth for use as provided in this section.

The total costs of incarceration shall be calculated as follows: (i) multiply the estimated number of days, not to exceed sixty, that the prisoner will be confined in a local correctional facility pending transfer to a state facility by the annual per diem rate applicable to confinement in the local facility and add to that, (ii) the total number of days of incarceration imposed, less the number of days used for the calculation in (i), multiplied by the annual per diem rate applicable to state responsible inmates.

INTRODUCED

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