

# VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

## CHAPTER 127

*An Act to amend the Code of Virginia by adding a section numbered 53.1-116.3, relating to improper release or discharge of prisoner.*

[H 1653]

Approved March 6, 1997

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 53.1-116.3 as follows:**

*§ 53.1-116.3. Improper release; capias, arrest and hearing.*

*The sheriff or jail superintendent or his designee, upon the discovery of an improper release or discharge of a prisoner from custody, shall report such release or discharge to the sentencing court. The court shall then for good cause shown issue a capias for the arrest of the prisoner which may be executed by any duly sworn jail officer or law-enforcement officer. Such capias shall direct that the prisoner be presented forthwith to the court to determine the propriety of the original discharge or release. After a hearing, if the court is satisfied that the original release or discharge was made improperly, the prisoner shall be returned to the jail facility from which he was released or discharged.*