

# VIRGINIA ACTS OF ASSEMBLY -- 1997 RECONVENED SESSION

## CHAPTER 840

*An Act to amend and reenact § 53.1-20 of the Code of Virginia, relating to commitment of persons to the custody of the Department of Corrections.*

[H 2058]

Approved April 2, 1997

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

**1. That § 53.1-20 of the Code of Virginia is amended and reenacted as follows:**

§ 53.1-20. Commitment of convicted persons to custody of Director.

A. ~~Beginning July 1, 1996,~~ Every person convicted of a felony committed before January 1, 1995, and sentenced to the Department for a total period of more than two years shall be committed by the court to the custody of the Director of the Department. The Director shall receive all such persons into the state corrections system within sixty days of his receipt of the complete final order from the clerk of the committing court ~~the date on which the final sentencing order is mailed by certified letter or sent by electronic transmission to the Director by the clerk.~~

A1. Beginning July 1, 1996, every person convicted of a felony committed on or after January 1, 1995, and sentenced to the Department for a total period of one year or more or sentenced to confinement in jail for more than six months shall serve such sentence in the custody of the Department. The Director shall receive all such persons into the state corrections system within sixty days of his receipt of the complete final order from the clerk of the committing court.

B. Until July 1, 1996, persons convicted of felonies committed before January 1, 1995, and sentenced to the Department shall be committed to the custody of the Department and received by the Director into the state corrections system within sixty days of his receipt of the complete final order from the clerk of the committing court as follows:

1. From July 1, 1991, through June 30, 1992, all persons sentenced for a total period of more than six years.

2. From July 1, 1992, through June 30, 1993, all persons sentenced for a total period of more than five years.

3. From July 1, 1993, through June 30, 1994, all persons sentenced for a total period of more than four years.

4. From July 1, 1994, through June 30, 1996, all persons sentenced for a total period of more than three years.

5. From July 1, 1996, and thereafter, all persons sentenced for a total period of more than two years.

B1. Until July 1, 1996, persons convicted of felonies committed on or after January 1, 1995, and sentenced to the Department or sentenced to confinement in jail for more than six months shall be placed in the custody of the Department and received by the Director into the state corrections system within sixty days of his receipt of the complete final order from the clerk of the committing court as follows:

1. From January 1, 1995, through June 30, 1996, all persons sentenced for a total period of one year or more.

2. From July 1, 1996, and thereafter, all persons sentenced for a total period of more than six months.

B. Persons convicted of felonies committed on or after January 1, 1995, and sentenced to the Department or sentenced to confinement in jail for a year or more shall be placed in the custody of the Department and received by the Director into the state corrections system within sixty days of the date on which the final sentencing order is mailed by certified letter or sent by electronic transmission to the Director by the clerk.

C. If the Governor finds that the number of prisoners in state facilities poses a threat to public safety, it shall be within the discretion of the Director to determine the priority for receiving prisoners into the state corrections system from local correctional facilities.

D. All felons sentenced to a period of incarceration and not placed in an adult state correctional facility pursuant to this section shall serve their sentences in local correctional facilities which shall not include a secure facility or detention home as defined in § 16.1-228.

E. Felons committed to the custody of the Department for a new felony offense shall be received by the Director into the state corrections system in accordance with the provisions of this section without any delay for resolution of (i) issues of alleged parole violations set for hearing before the Parole Board or (ii) any other pending parole-related administrative matter.