

1997 SESSION

INTRODUCED

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HOUSE BILL NO. 1653

Offered January 8, 1997

Prefiled January 2, 1997

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

Patron—Davies

Referred to Committee for Courts of Justice

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; warrant, 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 circuit court of the jurisdiction wherein the prisoner was released or discharged or to the sentencing court. The court shall then issue a warrant for the arrest of the prisoner which may be executed by any duly sworn jail officer or law-enforcement officer. Such warrant 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 to serve the remainder of his sentence or to await trial on other matters for which he was incarcerated.

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