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HOUSE BILL NO. 1653

House Amendments in [] — January 28, 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~~ *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 [~~circuit court of the jurisdiction wherein the prisoner was released or discharged or to the~~] sentencing court. The court shall then [for good cause shown] issue a [~~warrant~~ *capias*] for the arrest of the prisoner which may be executed by any duly sworn jail officer or law-enforcement officer. Such [~~warrant~~ *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 [~~to serve the remainder of his sentence or to await trial on other matters for which he was incarcerated~~] .

ENGROSSED

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