

# 1998 SESSION

INTRODUCED

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## HOUSE BILL NO. 1197

Offered January 26, 1998

A BILL to amend and reenact § 53.1-116.3 of the Code of Virginia, relating to release; notice to sheriff.

Patrons—Ingram and Joannou

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-116.3 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-116.3. Notice of release or transfer; improper release; capias, arrest and hearing.

Any person having physical custody of an inmate over whom the sheriff or jail superintendent has legal custody, shall provide reasonable notice to the sheriff or jail superintendent upon release of that inmate from his custody or any other transfer of custody to another individual or facility.

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.

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