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SENATE BILL NO. 238

Senate Amendments in [] — February 3, 1998

A BILL to amend and reenact § 53.1-116 of the Code of Virginia, relating to good conduct credit.

Patrons—Miller, Y.B., Colgan, Marsh, Miller, K.G., Schrock, Stolle, Wampler and Woods

Referred to the Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:**1. That § 53.1-116 of the Code of Virginia is amended and reenacted as follows:**

§ 53.1-116. What records jailer shall keep; how time deducted or added; payment of fine and costs by person committed to jail until he pays.

A. The jailer shall keep a record describing each person committed to jail, the terms of confinement, for what offense or cause he was committed, and when received into jail. The jailer shall keep a record of each prisoner. Each prisoner not eligible for parole under §§ 53.1-151, 53.1-152 or § 53.1-153 shall earn good conduct credit at the rate of one day for each one day served, including all days served while confined in jail prior to conviction and sentencing, in which the prisoner has not violated the written rules and regulations of the jail unless a mandatory minimum sentence is imposed by law; however, any prisoner committed to jail upon a felony offense committed on or after January 1, 1995, shall not earn any good conduct credit except as hereinafter provided. Prisoners eligible for parole under §§ 53.1-151, 53.1-152 or § 53.1-153 shall earn good conduct credit at a rate of fifteen days for each thirty days served with satisfactory conduct. The jailer may grant the prisoner additional credit for performance of institutional work assignments or participation in a local work force program established under § 53.1-128 at the rate of five days for every thirty days served. The time so deducted shall be allowed to each prisoner for such time as he is confined in jail or assigned to a home/electronic incarceration program pursuant to subsection A or C of § 53.1-131.2. For each violation of the rules prescribed herein, the time so deducted shall be added until it equals the full sentence imposed upon the prisoner by the court. So much of an order of any court contrary to the provisions of this section shall be deemed null and void.

B. Notwithstanding the provisions of § 19.2-350, in the event a person who was committed to jail to be therein confined until he pays a fine imposed on him by the court in which he was tried should desire to pay such fine and costs, he may pay the same to the person in charge of the jail. The person receiving such moneys shall execute and deliver an official receipt therefor and shall promptly transmit the amount so paid to the clerk of the court which imposed the fine and costs. Such clerk shall give him an official receipt therefor and shall properly record the receipt of such moneys.

[C. Any home/electronic incarceration program, which is authorized to collect unpaid fines, court costs, restitution, and child support of any prisoner assigned to a home/electronic incarceration program pursuant to subsection A or C of § 53.1-131.2, shall collect such fines and costs in accordance with those procedures established by the court having jurisdiction in the case. The court having jurisdiction may establish such procedures in conjunction with the Department of Corrections, the Department of Criminal Justice Services and the local sheriff's office. All home/electronic incarceration programs shall be operated in accordance with such procedures and at the sole discretion of the sheriff.]

ENGROSSED

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