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HOUSE BILL NO. 1956

House Amendments in [] — February 1, 1999

A *BILL to amend and reenact § 53.1-20 of the Code of Virginia, relating to intake of state responsible inmates into the state correctional system.*

Patrons—Day, Abbitt, Armstrong, Deeds, Dudley and Puller; Senator: Puckett

Referred to Committee on Health, Welfare and Institutions

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. 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 the date on which the final sentencing order is mailed by certified letter or sent by electronic transmission to the Director by the clerk; *however, upon the request of any sheriff or superintendent, the Director shall evaluate the population and staffing demands of the local correctional facility and, if justified, expedite removal of state responsible offenders to the state correctional facility.*

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; *however, upon the request of any sheriff or superintendent, the Director shall evaluate the population and staffing demands of the local correctional facility and, if justified, expedite removal of state responsible offenders to the state correctional facility.*

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 [; *provided that no out-of-state prisoners may be received within the state corrections system until all persons convicted of felonies and committed to the custody of the Director under subsection A or B have been received into the state corrections system*] .

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.

ENGROSSED

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