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SENATE BILL NO. 980

Offered January 19, 1999

A BILL to amend and reenact § 53.1-129 of the Code of Virginia, relating to order permitting prisoners to work on state, county, city, town or nonprofit organization property; good time credits therefor.

Patrons—Reynolds; Delegates: Armstrong and Day

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-129 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-129. Order permitting prisoners to work on state, county, city, town or nonprofit organization property; bond of person in charge of prisoners.

The judge of the circuit or district court of any county or city may, by order entered of record by the trial or sentencing judge, allow persons confined in the jail of such county or city who are awaiting disposition of, or serving sentences imposed for, misdemeanors or felonies to work on state, county, city or town property or any property owned by a nonprofit organization which is exempt from taxation under 26 U.S.C. § 501 (c) (3) or (c) (4) and which is organized and operated exclusively for charitable or social welfare purposes on a voluntary basis with the consent of the county, city, town or state agency or the local public service authority or upon the request of the nonprofit organization involved. The judge of the district court of any county or city may allow persons confined in the jail of such county or city who are awaiting disposition of, or serving sentences imposed for, misdemeanors to work on state, county, city or town property or any property owned by a nonprofit organization which is exempt from taxation under 26 U.S.C. § 501 (e) (3) or (e) (4) and which is organized and operated exclusively for charitable or social welfare purposes on a voluntary basis with consent of the county, city, town or state agency or the local public service authority or upon the request of the nonprofit organization involved. Prisoners performing work as provided in this paragraph shall may receive credit on their respective sentences for the work done, whether such sentences are imposed prior or subsequent to the work done, as the court may in the order prescribe orders.

The sentencing judge may, by order entered of record, require a person convicted of a felony to work on state, county, city or town property, with the consent of the county, city, town or state agency or the local public service authority involved, for such credit on his sentence as the judge may prescribe in his order court orders.

In the event that a person other than the sheriff or jail superintendent is designated by the court to have charge of such prisoners while so working, the court shall require a bond of the person, in an amount to be fixed by the court, conditioned upon the faithful discharge of his duties. Neither the sheriff nor the jail superintendent shall be held responsible for any acts of omission or commission on the part of such person.

Any person convicted of a felony or awaiting a felony disposition who receives credit on his sentence as provided in this section shall not be entitled to such credit in excess of that permissible under Article 4 (§ 53.1-202.2 et seq.) of Chapter 6 of Title 53.1.

INTRODUCED

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