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**SENATE BILL NO. 44**

Offered January 11, 2006

Prefiled December 28, 2005

*A BILL to amend and reenact § 53.1-155.1 of the Code of Virginia, relating to participation of inmate in residential community program prior to final release.*

Patron—Locke

Referred to Committee on Rehabilitation and Social Services

**Be it enacted by the General Assembly of Virginia:**

**1. That § 53.1-155.1 of the Code of Virginia is amended and reenacted as follows:**

§ 53.1-155.1. Participation in residential community program prior to final release.

The Department ~~may~~ *shall* give nonviolent prisoners who have not been ~~convicted of a violent crime and who have been sentenced to serve a term of imprisonment of at least three years (i) convicted of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate sexual penetration, or aggravated sexual battery or (ii) sentenced to a term of life imprisonment or two or more life sentences~~ the opportunity to participate in a residential community program, work release, or a community-based program approved by the Secretary of Public Safety ~~within six months of such prisoner's for a period of six months or a period of 10% of the individual's original sentence, whichever is less, prior to the individual's otherwise projected or mandatory release date.~~ The Secretary shall prescribe guidelines to govern the residential community programs, work release, or community-based programs.

Any wages earned pursuant to this section by a prisoner may be paid to the director or administrator of the program after standard payroll deductions required by law. Distribution of such wages shall be made for the following purposes:

1. To pay an amount to defray the cost of his keep, *not to exceed 30% of the individual's gross earnings;*

2. To pay travel and other such expenses made necessary by his work release, employment, or participation in a residential community program or a community-based program;

3. To provide support and maintenance for his dependents or to make payments to the local department of social services or the Commissioner of Social Services, as appropriate, on behalf of dependents who are receiving public assistance as defined in § 63.2-100; or

4. To pay any fines, restitution, or costs as ordered by the court.

Any balance at the end of his sentence shall be paid to the prisoner upon his release.

INTRODUCED

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