

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to establish up to two pilot immediate sanction probation programs.*3
4 Approved

[H 927]

5 **Be it enacted by the General Assembly of Virginia:**6 **1. § 1. That there may be established in the Commonwealth up to two immediate sanction probation**
7 **programs in accordance with the following provisions:**8 *A. As a condition of a sentence suspended pursuant to § 19.2-303 of the Code of Virginia, a court*
9 *may order a defendant convicted of a crime, other than a violent crime as defined in subsection C of*
10 *§ 17.1-805 of the Code of Virginia, to participate in an immediate sanction probation program.*11 *B. If a participating offender fails to comply with any term or condition of his probation and the*
12 *alleged probation violation is not that the offender committed a new crime or infraction, (i) his*
13 *probation officer shall immediately issue a noncompliance letter pursuant to § 53.1-149 of the Code of*
14 *Virginia authorizing his arrest at any location in the Commonwealth and (ii) his probation violation*
15 *hearing shall take priority on the court's docket. The probation officer may, in any event, exercise any*
16 *other lawful authority he may have with respect to the offender.*17 *C. When a participating offender is arrested pursuant to subsection B, the court shall conduct an*
18 *immediate sanction hearing unless (i) the alleged probation violation is that the offender committed a*
19 *new crime or infraction; (ii) the alleged probation violation is that the offender absconded for more*
20 *than seven days; or (iii) the offender, attorney for the Commonwealth, or the court objects to such*
21 *immediate sanction hearing. If the court conducts an immediate sanction hearing, it shall proceed*
22 *pursuant to subsection D. Otherwise, the court shall proceed pursuant to § 19.2-306 of the Code of*
23 *Virginia.*24 *D. At the immediate sanction hearing, the court shall receive the noncompliance letter, which shall*
25 *be admissible as evidence, and may receive other evidence. If the court finds good cause to believe that*
26 *the offender has violated the terms or conditions of his probation, it may (i) revoke no more than 30*
27 *days of the previously suspended sentence and (ii) continue or modify any existing terms and conditions*
28 *of probation. If the court does not modify the terms and conditions of probation or remove the*
29 *defendant from the program, the previously ordered terms and conditions of probation shall continue to*
30 *apply. The court may remove the offender from the immediate sanction probation program at any time.*31 **2. That the Virginia Criminal Sentencing Commission shall report to the Chairmen of the House**
32 **and Senate Courts of Justice Committees on or before January 12, 2012, on the operation and**
33 **costs of any established immediate sanction probation program, including statistics on the**
34 **characteristics of the participants and the outcomes of their participation.**35 **3. That the Virginia Criminal Sentencing Commission may calculate the impact of a revocation of**
36 **a suspended sentence for a participant in an immediate sanction probation program differently**
37 **than the revocation of a sentence pursuant to § 19.2-306 of the Code of Virginia.**38 **4. That the provisions of this act shall expire on July 1, 2012.**

REENROLLED

HB927ER2