

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 53.1-160 of the Code of Virginia, relating to the Department of*
3 *Corrections; notice upon prisoner release by electronic means.*

[S 1208]

Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 53.1-160 of the Code of Virginia is amended and reenacted as follows:**8 **§ 53.1-160. Notice to be given upon prisoner release, escape, etc.**

9 A. Prior to the release or discharge of any prisoner, the Department shall have notice of the release
10 or discharge delivered by ~~first class~~ *first-class* mail or by *electronic means* to the court ~~which that~~
11 committed the person to the Department of Corrections and to the sheriff, chief of police, and attorney
12 for the Commonwealth (i) of the jurisdiction in which the offense occurred, (ii) of the jurisdiction in
13 which the person resided prior to conviction, and (iii), if different from *clauses* (i) and (ii), of the
14 jurisdiction in which the person intends to reside subsequent to being released or discharged. Such
15 notice shall include, but not be limited to, identification of the specific offense or offenses for which the
16 prisoner had been sentenced, the term or terms of imprisonment imposed, and the date the prisoner was
17 committed to the Department of Corrections.

18 The Department shall ~~(i)~~ (a) have notice of the release or discharge of any prisoner, or of his transfer
19 to a jail facility, a different prison facility, or any other correctional or detention facility, delivered by
20 first-class mail ~~fifteen~~ 15 days prior to any such occurrence, or by telephone if notice by first-class mail
21 cannot be delivered ~~fifteen~~ 15 days prior to the occurrence; ~~(ii)~~ (b) give notice as soon as practicable by
22 telephone upon the escape of a prisoner; and ~~(iii)~~ (c) give notice by first-class mail upon the change of a
23 prisoner's name, to any victim, as defined in § 19.2-11.01, of the offense for which the prisoner was
24 incarcerated or to any person designated in writing by the victim. Notice shall be given using the
25 address and telephone number provided by the victim. For the purposes of this section, "prisoner" means
26 a person sentenced to serve more than ~~thirty~~ 30 days of incarceration or detention.

27 B. Fifteen days prior to the release of any prisoner to an authorized work release program or release
28 to attend a business, educational or other related community program, the Department shall give notice
29 to (i) the attorney for the Commonwealth, (ii) the chief law-enforcement officer of the jurisdiction in
30 which the work on release will be performed or attendance at an authorized program will be permitted,
31 and (iii) any victim, as defined in § 19.2-11.01, of the offense for which the prisoner was incarcerated or
32 any person designated in writing by the victim at the address or phone number provided by the victim.

33 Every notice to the attorney for the Commonwealth or to the chief law-enforcement officer shall
34 include the name, address, and criminal history of the participating prisoner, and other information upon
35 request. The transmission of information shall be confidential and not subject to the Virginia Freedom of
36 Information Act (§ 2.2-3700 et seq.).

37 C. Notification under this section may be provided to a victim as defined in § 19.2-11.01 through the
38 Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar
39 electronic or automated system.

40 No civil liability shall attach for the failure to give notice as provided in this section.

ENROLLED

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