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HOUSE BILL NO. 723

Offered January 8, 2014

Prefiled January 7, 2014

A *BILL to amend and reenact § 53.1-202.3 of the Code of Virginia, relating to sentence credits; drug-related felonies.*

Patron—McClellan

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 53.1-202.3 of the Code of Virginia is amended and reenacted as follows:****§ 53.1-202.3. Rate at which sentence credits may be earned; prerequisites.**

A A. For each 30 days served, a maximum of (i) seven and one-half sentence credits may be earned upon a sentence of incarceration for a felony violation of Article 1 (§ 18.2-247 et seq.) or 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and (ii) four and one-half sentence credits may be earned for each 30 days served upon a sentence of incarceration for any other felony. The earning of sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs to which a person is assigned pursuant to § 53.1-32.1. For a juvenile sentenced to serve a portion of his sentence as a serious juvenile offender under § 16.1-285.1, consideration for earning sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs afforded to the juvenile during that portion of the sentence. The Department of Juvenile Justice shall provide a report that describes the juvenile's adherence to the facility's rules and the juvenile's progress toward treatment goals and objectives while sentenced as a serious juvenile offender under § 16.1-285.1.

B. In addition to the sentence credits set forth in subsection A, a person may earn two and one-half sentence credits for each 30 days served conditioned upon full participation in and cooperation with appropriate educational, training, work, counseling, or substance abuse programs or other programs intended for his rehabilitation in which the person voluntarily participates that are in addition to the programs to which a person is assigned pursuant to § 53.1-32.1.

C. Notwithstanding any other provision of law, no portion of any sentence credits earned shall be applied to reduce the period of time a person must serve before becoming eligible for parole upon any sentence.

INTRODUCED

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