

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-303.5 of the Code of Virginia, relating to immediate sanction*
3 *probation programs; extend expiration.*

4
5 Approved

[H 608]

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

7 **1. That § 19.2-303.5 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 19.2-303.5. Immediate sanction probation programs.**

9 There may be established in the Commonwealth up to four immediate sanction probation programs in
10 accordance with the following provisions:

11 1. As a condition of a sentence suspended pursuant to § 19.2-303, a court may order a defendant
12 convicted of a crime, other than a violent crime as defined in subsection C of § 17.1-805, to participate
13 in an immediate sanction probation program.

14 2. If a participating offender fails to comply with any term or condition of his probation and the
15 alleged probation violation is not that the offender committed a new crime or infraction, (i) his
16 probation officer shall immediately issue a noncompliance letter pursuant to § 53.1-149 authorizing his
17 arrest at any location in the Commonwealth and (ii) his probation violation hearing shall take priority on
18 the court's docket. The probation officer may, in any event, exercise any other lawful authority he may
19 have with respect to the offender.

20 3. When a participating offender is arrested pursuant to subdivision 2, the court shall conduct an
21 immediate sanction hearing unless (i) the alleged probation violation is that the offender committed a
22 new crime or infraction; (ii) the alleged probation violation is that the offender absconded for more than
23 seven days; or (iii) the offender, attorney for the Commonwealth, or the court objects to such immediate
24 sanction hearing. If the court conducts an immediate sanction hearing, it shall proceed pursuant to
25 subdivision 4. Otherwise, the court shall proceed pursuant to § 19.2-306.

26 4. At the immediate sanction hearing, the court shall receive the noncompliance letter, which shall be
27 admissible as evidence, and may receive other evidence. If the court finds good cause to believe that the
28 offender has violated the terms or conditions of his probation, it may (i) revoke no more than 30 days
29 of the previously suspended sentence and (ii) continue or modify any existing terms and conditions of
30 probation. If the court does not modify the terms and conditions of probation or remove the defendant
31 from the program, the previously ordered terms and conditions of probation shall continue to apply. The
32 court may remove the offender from the immediate sanction probation program at any time.

33 5. The provisions of this section shall expire on July 1, ~~2016~~ 2017.

ENROLLED

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