

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 205

An Act to amend and reenact § 53.1-43.1 of the Code of Virginia, relating to inmate trust accounts; exemption.

[H 1651]

Approved February 23, 2017

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-43.1 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-43.1. Inmate trust accounts.

In addition to any other account established to hold funds for inmates, the Department shall establish for each inmate a personal trust account. Unless an inmate has been sentenced to be executed, ~~or~~ is serving a sentence of life without the possibility of parole, *or is sentenced to a term that makes him ineligible for release, excluding the conditional release of geriatric prisoners pursuant to § 53.1-40.01, prior to 75 years of age*, 10 percent of any funds received by an inmate from any source shall be deposited by the Department in the inmate's personal trust account until the account has a balance of \$1,000. When the inmate's personal trust account reaches \$1,000, any funds received by the inmate shall be deposited in the inmate's other account.

An inmate may direct the Department at any time to deposit a portion or all of any funds received by him in the inmate's personal trust account. After the balance of a personal trust account has exceeded \$1,000, an inmate may direct the Department to transfer funds from his personal trust account to any other account maintained for him; provided, however, that the balance of the personal trust account shall not fall below \$1,000.

Funds in an inmate's personal trust account shall be paid to the inmate upon parole or final discharge.