

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 19.2-303.01, relating to sentence
3 reduction; substantial assistance to prosecution.

4 [S 35]
5 Approved

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

7 **1. That the Code of Virginia is amended by adding a section numbered 19.2-303.01 as follows:**

8 **§ 19.2-303.01. Reduction of sentence; substantial assistance to prosecution.**

9 *Notwithstanding any other provision of law or rule of court, upon motion of the attorney for the*
10 *Commonwealth, the sentencing court may reduce the defendant's sentence if the defendant, after entry of*
11 *the final judgment order, provided substantial assistance in investigating or prosecuting another person*
12 *for (i) an act of violence as defined in § 19.2-297.1 or any violation of § 18.2-248, 18.2-248.01,*
13 *18.2-248.02, 18.2-248.03, 18.2-248.1, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2,*
14 *18.2-258, 18.2-258.02, 18.2-258.1, or 18.2-258.2, or any substantially similar offense in any other*
15 *jurisdiction, which offense would be a felony if committed in the Commonwealth; (ii) a conspiracy to*
16 *commit any of the offenses listed in clause (i); or (iii) violations as a principal in the second degree or*
17 *accessory before the fact of any of the offenses listed in clause (i). In determining whether the defendant*
18 *has provided substantial assistance pursuant to the provisions of this section, the court shall consider*
19 *(a) the court's evaluation of the significance and usefulness of the defendant's assistance, taking into*
20 *consideration the Commonwealth's evaluation of the assistance rendered; (b) the truthfulness,*
21 *completeness, and reliability of any information or testimony provided by the defendant; (c) the nature*
22 *and extent of the defendant's assistance; (d) any injury suffered or any danger or risk of injury to the*
23 *defendant or his family resulting from his assistance; and (e) the timeliness of the defendant's*
24 *assistance. If the motion is made more than one year after entry of the final judgment order, the court*
25 *may reduce a sentence only if the defendant's substantial assistance involved (1) information not known*
26 *to the defendant until more than one year after entry of the final judgment order, (2) information*
27 *provided by the defendant within one year of entry of the final judgment order but that did not become*
28 *useful to the Commonwealth until more than one year after entry of the final judgment order, or (3)*
29 *information the usefulness of which could not reasonably have been anticipated by the defendant until*
30 *more than one year after entry of the final judgment order and which was promptly provided to the*
31 *Commonwealth by the defendant after its usefulness was reasonably apparent.*