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**HOUSE BILL NO. 45**

Offered January 10, 2024

Prefiled December 21, 2023

*A BILL to amend and reenact § 53.1-202.2 of the Code of Virginia, relating to earned sentence credits; incarceration prior to entry of final order of conviction.*

Patrons—Seibold, Askew, Clark, Gardner, Glass, Henson, Hope, Jones, Keys-Gamarra, Laufer, Maldonado, Martinez, Rasoul, Shin, Simon, Simonds and Willett; Senators: Bagby, Favola and Salim

Referred to Committee for Courts of Justice

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

**1. That § 53.1-202.2 of the Code of Virginia is amended and reenacted as follows:**

**§ 53.1-202.2. Eligibility for earned sentence credits.**

A. Every person who is convicted of a felony offense committed on or after January 1, 1995, and who is sentenced to serve a term of incarceration in a state or local correctional facility shall be eligible to earn sentence credits in the manner prescribed by this article. Such eligibility shall commence upon the person's incarceration in any correctional facility following entry of a final order of conviction by the committing court *and any period of incarceration in any correctional facility for which such person was held on the charge of conviction, including any period of incarceration prior to conviction, shall be used in calculating such person's earned sentence credits.* As used in this chapter, "sentence credit" and "earned sentence credit" mean deductions from a person's term of confinement earned through adherence to rules prescribed pursuant to § 53.1-25, through program participation as required by §§ 53.1-32.1 and 53.1-202.3, and by meeting such other requirements as may be established by law or regulation. One earned sentence credit shall equal a deduction of one day from a person's term of incarceration.

B. A juvenile convicted as an adult and sentenced as a serious juvenile offender under clause (i) of subdivision A 1 of § 16.1-272 shall be eligible to earn sentence credits for the portion of the sentence served with the Department of Juvenile Justice in the manner prescribed by this article. Consideration for earned sentence credits shall require 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.