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HOUSE BILL NO. 457

Offered January 10, 2024

Prefiled January 8, 2024

A *BILL to amend and reenact § 19.2-304 of the Code of Virginia, relating to decreasing probation period; criteria for mandatory reduction.*

Patrons—Callsen and Glass

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-304 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-304. Increasing or decreasing probation period and modification of conditions; mandatory reduction in probation period.

A. The court may subsequently increase ~~or decrease~~ the probation period and may revoke or modify any condition of probation, but only upon a hearing after reasonable notice to both the defendant and the attorney for the Commonwealth. *After fixing the probation period, the court may subsequently decrease the probation period without a hearing if warranted by the defendant's conduct and in the interests of justice.*

B. The court shall reduce a defendant's probation period if:

1. The defendant completes a qualifying educational activity, including obtaining a high school diploma, passing high school equivalency testing, completing 30 credits with at least a 2.0 grade point average at a postsecondary educational institution, obtaining an academic degree, obtaining a career or vocational certificate, or completing a vocational or job training program made available by the Department of Corrections or by a community provider;

2. The defendant maintains verifiable employment where the defendant is employed at least an average of 30 hours per week; or

3. The defendant completes a mental health or substance abuse treatment program.

For every qualifying educational activity the defendant completes in accordance with subdivision 1, the court shall reduce the defendant's probation period by 60 days. For every six-month period of verifiable employment the defendant completes in accordance with subdivision 2, the court shall reduce the defendant's probation period by 30 days. For every mental health or substance abuse treatment program the defendant completes in accordance with subdivision 3, the court shall reduce the defendant's probation period by 90 days.

A defendant's probation officer shall promptly and no less than quarterly calculate any reductions for the completing qualifying educational activities, maintaining verifiable employment, and completing treatment under this subsection. A defendant's probation officer shall verify employment through supporting documentation, which may include any record, employer letter, pay stub, contract, or other approved method of verification by the relevant local community-based probation services agency or the Department of Corrections. When the accumulation of time served on probation and any earned reduction is equal to the imposed probation term, the probation officer shall notify the court of the defendant's right to a reduction in his probation term under this subsection. Upon receipt of this information, the court shall enter an order discharging the person from probation.

INTRODUCED

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