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HOUSE BILL NO. 2242

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to amend and reenact §§ 53.1-149 and 53.1-162 of the Code of Virginia, relating to arrest of probationer, parolee, or felon serving a period of postrelease supervision without a warrant; timeframe for service of process.

Patrons—Callsen, Davis, Hernandez, Jones, Anthony, Gardner, Henson and Martinez

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-149 and 53.1-162 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-149. Arrest of probationer without warrant; written statement; timeframe for service of process.

A. Any probation officer appointed pursuant to this chapter may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so, by a written statement setting forth that the probationer has, in the judgment of the probation officer, violated one or more of the terms or conditions upon which the probationer was released on probation. Such a written statement by a probation officer delivered to the officer in charge of any local jail or lockup shall be sufficient warrant for the detention of the probationer. Any officer deputized upon receipt of the written statement shall, in accordance with § 19.2-390, enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Such information shall be deemed a warrant authorizing the arrest of the person anywhere in the Commonwealth.

B. The probation officer of any probationer arrested pursuant to this section shall, within 24 hours but no later than three business days after the arrest of the probationer, (i) submit a copy of any written statement described in subsection A, including any PB-15 or major violation report, to the local attorney for the Commonwealth and the clerk of the court for the circuit court responsible for supervision of the probationer and advise such persons of his arrest and (ii) request the circuit court of the sentencing jurisdiction to issue a *capias* or bench warrant for the alleged violation contained in the written statement.

§ 53.1-162. Arrest of parolee or felon serving a period of postrelease supervision without warrant; written statement; timeframe for service of process.

A. Any probation and parole officer may arrest a parolee or felon serving a period of postrelease supervision without a warrant or may deputize any other officer with power of arrest to do so by a written statement setting forth that the parolee or felon serving a period of postrelease supervision has, in the judgment of the probation and parole officer, violated one or more of the terms or conditions of his parole or postrelease period of supervision. Such a written statement by a probation and parole officer delivered to the officer in charge of any state or local correctional facility shall be sufficient warrant for the detention of the parolee or felon serving a period of postrelease supervision. Any officer deputized upon receipt of the written statement shall, in accordance with § 19.2-390, enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Such information shall be deemed a warrant authorizing the arrest of the person anywhere in the Commonwealth.

B. The probation or parole officer of any parolee or felon serving a period of postrelease supervision arrested pursuant to this section shall, within 24 hours but no later than three business days after the arrest of the parolee or felon, (i) submit a copy of any written statement described in subsection A, including any PB-15, or major violation report, to the local attorney for the Commonwealth and the clerk of the court for the circuit court responsible for supervision of the parolee or felon serving a period of postrelease supervision and advise such persons of his arrest and (ii) request the circuit court of the sentencing jurisdiction to issue a *capias* or bench warrant for the alleged violation contained in the written statement.

INTRODUCED

HB2242