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HOUSE BILL NO. 2252

Offered January 13, 2025

Prefiled January 7, 2025

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

Patrons—Williams and Callsen

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.

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 defendant's supervised probation period shall be reduced if:

1. The defendant completes a qualifying educational activity, including obtaining a high school diploma, passing high school equivalency testing, completing 15 credit hours with at least a 2.0 grade point average at a postsecondary educational institution, obtaining an academic degree, completing a peer recovery specialist training program approved by the Department of Behavioral Health and Developmental Services, completing a state-certified training program, or completing a vocational or job training program made available by the Department of Corrections or by a community provider approved by the Department of Corrections;

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

3. The defendant is in compliance with any state-certified or state-approved mental health or substance abuse treatment program or successfully completes a state-certified or state-approved mental health or substance abuse treatment program;

4. The defendant secures and maintains qualifying health insurance coverage or a qualifying health care plan through Medicaid, a state's insurance marketplace, or his employer or independent purchase; or

5. The defendant has obtained housing and established residence, either through a rental agreement, home ownership, work exchange program, or other method deemed appropriate by the probation officer, within the designated area permitted by his probation.

C. A defendant shall not begin accruing credit for any educational activity, employment, or treatment program described in subsection B until the first day of the first full month that such defendant is on supervised probation. Such credits shall not accrue during any calendar month in which the defendant is found in violation of his supervised probation, unless such violation is a technical violation and the probation officer for such defendant determines that there exists a compelling reason to award credits for such period of time. A defendant may accrue credits from each of subdivisions B 1 through 5 in each six-month reporting period as follows:

1. For every six-month period of qualifying educational activity the defendant completes in accordance with subdivision B 1, the defendant's supervised probation period shall be reduced by 60 days.

2. For every six-month period of verifiable employment the defendant completes in accordance with subdivision B 2, the defendant's supervised probation period shall be reduced by 30 days.

3. For every six-month period of qualifying mental health or substance abuse treatment program compliance or for completion of a qualifying mental health or substance abuse treatment program in accordance with subdivision B 3, the defendant's supervised probation period shall be reduced by 60 days.

4. For every six-month period of verifiable maintenance of qualifying health insurance coverage or a qualifying health care plan in accordance with subdivision B 4, the defendant's supervised probation period shall be reduced by 30 days.

5. For every six-month period of verifiable residency in accordance with subdivision B 5, the defendant's supervised probation period shall be reduced by 30 days.

D. A defendant's probation officer shall promptly and no less than quarterly calculate any reductions to such defendant's supervised probation for any qualifying evidence-based recidivism-reducing activities, including completing qualifying educational activities, maintaining verifiable employment, completing or complying with any state-certified or state-approved mental health or substance abuse treatment program, securing and maintaining qualifying health insurance coverage or a qualifying health care plan, or obtaining and establishing residency under this subsection. A defendant's probation officer may verify such qualifying

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59 *recidivism-reduced activities through supporting documentation, which may include the following:*

60 *1. For verification of employment, any employer letter, pay stub, or contract;*

61 *2. For verification of education and vocation compliance or completion, any facilitator or program letter,*
62 *report card, or progress report;*

63 *3. For verification of mental health or substance abuse treatment program compliance or completion, any*
64 *facilitator or program letter, progress report, or sign-in sheet;*

65 *4. For verification of health insurance coverage or health care plan status, purchase receipts, contracts,*
66 *or a valid insurance card;*

67 *5. For verification of housing and continued residency, rental or mortgage contracts, utility bills, or*
68 *signed change of address forms from the United States Postal Service; or*

69 *6. For verification of any qualifying recidivism-reduced activity, any other approved method of*
70 *verification by the probation services agency or the Department of Corrections.*

71 *A decision by the defendant's probation officer regarding the qualification of any educational activity,*
72 *employment, or treatment program described in subsection B is final.*

73 *E. When the accumulation of time served on probation and any earned reduction is equal to the imposed*
74 *supervised probation term, and the defendant has satisfied all nonmonetary conditions of his supervised*
75 *probation, including any court-ordered program or community service hours, the probation officer shall*
76 *notify the court of the defendant's reduction in his probation term under this subsection. Upon receipt of this*
77 *information, the court shall enter an order discharging the person from supervised probation.*

78 *F. The provisions of this section shall not apply to any person sentenced pursuant to § 19.2-303.3 and*
79 *subject to supervised probation by a local community-based probation services agency established pursuant*
80 *to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1.*

81 *G. No defendant shall have his probation reduced pursuant to this section for his participation in any*
82 *court-ordered treatment.*

83 *H. Nothing in this section shall be construed to limit the court's ability to reduce a defendant's period of*
84 *probation or discharge such defendant from probation under any other provision of law.*