

25100229D

1 **HOUSE BILL NO. 2576**

2 Offered January 13, 2025

3 Prefiled January 12, 2025

4 *A BILL to amend and reenact § 53.1-40.01 of the Code of Virginia, relating to conditional release of*  
5 *geriatric prisoners.*

6 Patron—Phillips (By Request)

7 Referred to Committee for Courts of Justice

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 53.1-40.01 of the Code of Virginia is amended and reenacted as follows:**10 **§ 53.1-40.01. Conditional release of geriatric prisoners.**11 A. Any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1  
12 felony listed in subsection B, (i) who has reached the age of sixty-five 65 or older and who has served at least  
13 five years of the sentence imposed or (ii) who has reached the age of sixty 60 or older and who has served at  
14 least ten 10 years of the sentence imposed may petition the Parole Board for conditional release.15 B. Any person serving a sentence imposed upon a conviction for the following felony offenses shall not be  
16 eligible to petition the Parole Board for conditional release pursuant to subsection A:

17 1. Any Class 1 felony; or

18 2. Any of the following offenses, provided that such offense was committed on or after July 1, 2025:

19 a. Any violation of § 18.2-32, 18.2-32.1, 18.2-32.2, or 18.2-33;

20 b. Any violation of § 18.2-40 or 18.2-45;

21 c. Any violation of § 18.2-46.5, subsection A or B of § 18.2-46.6, or § 18.2-46.7;

22 d. Any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2,  
23 except for a violation of § 18.2-49.1;24 e. Any malicious felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of  
25 Chapter 4 of Title 18.2, any violation of § 18.2-51.7, 18.2-54.1, or 18.2-54.2, or any felony violation of §  
26 18.2-57.2;

27 f. Any felony violation of § 18.2-60.3;

28 g. Any felony violation of § 16.1-253.2 or 18.2-60.4;

29 h. Robbery under § 18.2-58 or carjacking under § 18.2-58.1;

30 i. Criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title  
31 18.2, except, when not committed against a minor, a violation of subdivision A 5 of § 18.2-67.3, § 18.2-67.4:1  
32 , subsection B of § 18.2-67.5, or § 18.2-67.5:1;

33 j. Any violation of § 18.2-90 or 18.2-93;

34 k. Any violation of § 18.2-289 or subsection A of § 18.2-300;

35 l. Any felony offense under Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2 involving a minor  
36 victim;37 m. Any felony offense under Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2 involving a minor  
38 victim, except for a violation of § 18.2-362 or 18.2-370.5 or subsection B of § 18.2-371.1;39 n. Any felony offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 involving a minor  
40 victim, except for a violation of subsection A of § 18.2-374.1:1;

41 o. Any violation of § 18.2-481, 40.1-100.2, or 40.1-103; or

42 p. A second or subsequent felony violation of the following offenses when such offenses were not part of a  
43 common act, transaction, or scheme and such person has been at liberty as defined in § 53.1-151 between  
44 each conviction and the second or subsequent offense was committed on or after July 1, 2025:45 (1) Voluntary or involuntary manslaughter under Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2 or  
46 any crime punishable as such;

47 (2) Any violation of § 18.2-41 or 18.2-42.1;

48 (3) Any violation of subsection C of § 18.2-46.6;

49 (4) Any violation when done unlawfully but not maliciously of § 18.2-51 or 18.2-51.1;

50 (5) Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation  
51 of § 18.2-79;

52 (6) Any violation of § 18.2-89 with the intent to commit any larceny or § 18.2-92;

53 (7) Any violation of subsection A of § 18.2-374.1:1;

54 (8) Any violation of § 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; or

55 (9) Any violation of subdivision E 2 of § 40.1-29.

56 C. The Parole Board shall promulgate regulations to implement the provisions of this section.

INTRODUCED

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59    2. That the provisions of this act may result in a net increase in periods of imprisonment or  
60    commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary  
61    appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods  
62    of commitment to the custody of the Department of Juvenile Justice.