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SENATE BILL NO. 936  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Finance and Appropriations  
on \_\_\_\_\_)  
(Patron Prior to Substitute—Senator Craig)

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

**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,*

31 *within the designated area permitted by his probation.*

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

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

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

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

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

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

51 *D. A defendant's probation officer shall promptly and no less than quarterly calculate any reductions to*  
52 *such defendant's supervised probation for any qualifying evidence-based recidivism-reducing activities,*  
53 *including completing qualifying educational activities, maintaining verifiable employment, completing or*  
54 *complying with any state-certified or state-approved mental health or substance abuse treatment program,*  
55 *securing and maintaining qualifying health insurance coverage or a qualifying health care plan, or obtaining*  
56 *and establishing residency under this subsection. A defendant's probation officer may verify such qualifying*  
57 *recidivism-reduced activities through supporting documentation, which may include the following:*

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

59 *2. For verification of education and vocation compliance or completion, any facilitator or program letter,*

60 *report card, or progress report;*

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

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

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

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

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

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

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

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

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

83 **2. That the provisions of the first enactment of this act shall not become effective unless reenacted by**  
84 **the 2026 Session of the General Assembly.**

85 **3. That the Department of Corrections shall meet with all relevant stakeholders, including the Virginia**  
86 **Probation and Parole Association and criminal justice reform organizations, and provide to the**  
87 **General Assembly by November 1, 2025, a report that describes in detail (i) current practices for**  
88 **community supervision as it relates to monitoring engagement and attainment in education,**

89 **employment, treatment, and other programs and making recommendations to the court for**  
90 **modification of time served on probation and (ii) how such practices compare to the processes and**  
91 **practices that would be established pursuant to the first enactment of this act if reenacted by the 2026**  
92 **Session of the General Assembly.**