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SENATE BILL NO. 861
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Public Safety
on February 7, 2025)
(Patron Prior to Substitute—Senator Reeves)

A BILL to amend and reenact §§ 18.2-478 and 18.2-479 of the Code of Virginia, relating to escape from jail or custody; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-478 and 18.2-479 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-478. Escape from jail or custody by force or violence without setting fire to jail; penalty.

If any person lawfully imprisoned in jail and not tried or sentenced on a criminal offense escapes from jail by force or violence, other than by setting fire thereto, or if any person lawfully in the custody of any police law-enforcement officer, as defined in § 9.1-101, or fire marshal on a charge of criminal offense escapes from such custody by force or violence, he shall be is guilty of a Class 6 felony.

§ 18.2-479. Escape without force or violence or setting fire to jail; penalties.

A. Except as provided in subsection B, any person lawfully confined in jail or lawfully in the custody of any court, officer of the court, or of any law-enforcement officer, as defined in § 9.1-101, or fire marshal for violation of his probation or parole or on a charge or conviction of a misdemeanor; who escapes, other than by force or violence or by setting fire to the jail, is guilty of a Class 1 misdemeanor.

B. Any person; lawfully confined in jail or lawfully in the custody of any court, officer of the court, or of any law-enforcement officer, as defined in § 9.1-101, or fire marshal on a charge or conviction of a felony; who escapes, other than by force or violence or by setting fire to the jail, is guilty of a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

HOUSE SUBSTITUTE

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