

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 18.2-478 and 18.2-479 of the Code of Virginia, relating to escape from jail*
 3 *or custody; penalty.*

4 [S 861]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

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

8 **§ 18.2-478. Escape from jail or custody by force or violence without setting fire to jail; penalty.**

9 If any person lawfully imprisoned in jail and not tried or sentenced on a criminal offense escapes from jail
 10 by force or violence, other than by setting fire thereto, or if any person lawfully in the custody of any ~~police~~
 11 *law-enforcement officer, as defined in § 18.2-57*, on a charge of criminal offense escapes from such custody
 12 by force or violence, he ~~shall be~~ *is* guilty of a Class 6 felony.

13 **§ 18.2-479. Escape without force or violence or setting fire to jail; penalties.**

14 A. Except as provided in subsection B, any person lawfully confined in jail or lawfully in the custody of
 15 any court, officer of the court, or ~~of any~~ *law-enforcement officer, as defined in § 18.2-57*, for violation of his
 16 probation or parole or on a charge or conviction of a misdemeanor; who escapes, other than by force or
 17 violence or by setting fire to the jail, is guilty of a Class 1 misdemeanor.

18 B. Any person; lawfully confined in jail or lawfully in the custody of any court, officer of the court, or ~~of~~
 19 ~~any~~ *law-enforcement officer, as defined in § 18.2-57*, on a charge or conviction of a felony; who escapes,
 20 other than by force or violence or by setting fire to the jail, is guilty of a Class 6 felony.

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

ENROLLED

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