

VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

CHAPTER 41

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

[S 861]

Approved March 18, 2025

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 § 18.2-57, 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 § 18.2-57, 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 § 18.2-57, 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 for periods of commitment to the custody of the Department of Juvenile Justice.