

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 19.2-304 of the Code of Virginia, relating to decreasing probation period.

[S 136]

Approved

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 upon receipt of a request from the Department of Corrections pursuant to subsection B.

B. Termination of the defendant's supervised probation period shall serve as a case management tool to encourage and reward successful behavior and positive adjustment, which may include (i) maintaining employment, (ii) completing an educational development activity or vocational training, (iii) securing housing, or (iv) completing a treatment program. Unless ordered by a court or otherwise prohibited by law, when a defendant is placed on supervised probation for more than one year, the Department of Corrections shall submit a request to the court for termination of such supervised probation after 12 months if the Department:

1. Deems the defendant compliant with all court-ordered conditions, subject to the provisions of subsection C of § 19.2-305 and § 19.2-305.1; and

2. Determines that the defendant has demonstrated adherence to his individualized case plan and poses minimal risk to the community.

C. The provisions of this section shall not apply to any person sentenced (i) to a mandatory period of at least three years of supervised probation pursuant to § 19.2-303 or (ii) pursuant to § 19.2-303.3 and subject to supervised probation by a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1.

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

E. The Department of Corrections shall make reasonable efforts to notify the victim, as defined in subsection B of § 19.2-11.01, of a defendant's termination from supervised probation pursuant to this section.