

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 53.1-165.1 of the Code of Virginia, relating to parole; exception to limitation*  
 3 *on the application of parole statutes.*

4 [H 193]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 53.1-165.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 53.1-165.1. Limitation on the application of parole statutes.**

9 A. The provisions of this article, except §§ 53.1-160 and 53.1-160.1, shall not apply to any sentence  
 10 imposed or to any prisoner incarcerated upon a conviction for a felony offense committed on or after January  
 11 1, 1995. Any person sentenced to a term of incarceration for a felony offense committed on or after January  
 12 1, 1995, shall not be eligible for parole upon that offense.

13 B. The provisions of this article shall apply to any person who was sentenced by a jury prior to June 9,  
 14 2000, for any felony offense committed on or after January 1, 1995, and who remained incarcerated for such  
 15 offense on July 1, 2020, other than (i) a Class 1 felony or (ii) any of the following felony offenses where the  
 16 victim was a minor: (a) rape in violation of § 18.2-61; (b) forcible sodomy in violation of § 18.2-67.1; (c)  
 17 object sexual penetration in violation of § 18.2-67.2; (d) aggravated sexual battery in violation of § 18.2-67.3;  
 18 (e) an attempt to commit a violation of clause (a), (b), (c), or (d); or (f) carnal knowledge in violation of  
 19 § 18.2-63, 18.2-64.1, or 18.2-64.2.

20 C. *The provisions of this article shall also apply to any person who (i) was sentenced by a jury between*  
 21 *June 9, 2000 and January 1, 2005, for any felony offense committed on or after January 1, 1995; (ii) can*  
 22 *prove, by a preponderance of the evidence, that the jury in his case was not instructed on the fact that parole*  
 23 *has been abolished; and (iii) remained incarcerated for such offense on July 1, 2026, other than (a) a Class 1*  
 24 *felony or (b) any of the following felony offenses where the victim was a minor: (1) rape in violation of*  
 25 *§ 18.2-61; (2) forcible sodomy in violation of § 18.2-67.1; (3) object sexual penetration in violation of*  
 26 *§ 18.2-67.2; (4) aggravated sexual battery in violation of § 18.2-67.3; (5) an attempt to commit a violation of*  
 27 *clause (1), (2), (3), or (4); or (6) carnal knowledge in violation of § 18.2-63, 18.2-64.1, or 18.2-64.2.*

28 D. The Parole Board shall establish procedures for consideration of parole of persons entitled under  
 29 subsection B or C consistent with the provisions of § 53.1-154.

30 ~~D.~~ E. Any person who meets eligibility criteria for parole under subsection B and pursuant to § 53.1-151  
 31 as of July 1, 2020, shall be scheduled for a parole interview no later than July 1, 2021, allowing for extension  
 32 of time for reasonable cause. *Any person who meets eligibility criteria for parole under subsection C and*  
 33 *pursuant to § 53.1-151 as of July 1, 2026, shall be scheduled for a parole interview no later than July 1,*  
 34 *2027, allowing for extension of time for reasonable cause.*

35 ~~E.~~ F. Notwithstanding the provisions of subsection A or any other provision of this article to the contrary,  
 36 any person sentenced to a term of life imprisonment for a single felony or multiple felonies committed while  
 37 the person was a juvenile and who has served at least 20 years of such sentence shall be eligible for parole  
 38 and any person who has active sentences that total more than 20 years for a single felony or multiple felonies  
 39 committed while the person was a juvenile and who has served at least 20 years of such sentences shall be  
 40 eligible for parole. The Board shall review and decide the case of each prisoner who is eligible for parole in  
 41 accordance with § 53.1-154 and rules adopted pursuant to subdivision 2 of § 53.1-136.