

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 211

An Act to amend and reenact § 53.1-187 of the Code of Virginia, relating to credit for time spent in confinement while awaiting trial; extradition or fugitive warrant.

[H 726]

Approved April 6, 2026

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-187 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-187. Credit for time spent in confinement while awaiting trial.

A. Any person who is sentenced to a term of confinement in a correctional facility shall have deducted from any such term all time actually spent by the person in a state hospital for examination purposes or treatment prior to trial, in a state or local correctional facility awaiting trial or pending an appeal, or in a juvenile detention facility awaiting trial for an offense for which, upon conviction, such juvenile is sentenced to an adult correctional facility. Such credit for time shall include any time spent in pretrial confinement or detention on separate, dismissed, or nolle prosequi charges that are from the same act as the violation for which the person is convicted and sentenced to a term of confinement. When entering the final order in any such case, the court shall provide that the person so convicted be given credit for the time so spent.

B. If any person is extradited from another state pursuant to an extradition warrant from the Commonwealth or a fugitive warrant issued from the state where such person is detained and such person is subsequently sentenced to a term of confinement in a correctional facility in the Commonwealth for an offense from the same act as the violation for which the extradition warrant or fugitive warrant was authorized, such person shall have deducted from any such term all time actually spent in confinement awaiting extradition from such other state, provided that he was solely held on the extradition warrant or fugitive warrant and not on any other offense that he allegedly committed in such other state.

C. In no case shall a person be allowed credit for time not actually spent in confinement or in detention. In no case is a person on bail to be regarded as in confinement for the purposes of this statute. No such credit shall be given to any person who escapes from a state or local correctional facility or is absent without leave from a juvenile detention facility.

D. Any person sentenced to confinement in a correctional facility, in whose case the final order entered by the court in which he was convicted fails to provide for the credit authorized by this section, shall nevertheless receive credit for the time so spent in a correctional facility. Such allowance of credit shall be in addition to the good conduct allowance provided for in §§ 53.1-116 and 53.1-129, Articles 2 (§ 53.1-192 et seq.) and 3 (§ 53.1-198 et seq.) or the earned sentence credits provided for in Article 4 (§ 53.1-202.2 et seq.).