

11103157D

1 **HOUSE BILL NO. 1897**

2 Offered January 12, 2011

3 Prefiled January 11, 2011

4 A *BILL to amend and reenact § 19.2-305 of the Code of Virginia, relating to requiring payment of*
5 *support as a condition of probation.*

6 Patron—Spruill

7 Referred to Committee for Courts of Justice

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 19.2-305 of the Code of Virginia is amended and reenacted as follows:**10 § 19.2-305. Requiring fines, costs, restitution for damages, support or community services from
11 probationer.12 A. While on probation the defendant may be required to pay in one or several sums a fine or costs,
13 or both such fine and costs, imposed at the time of being placed on probation as a condition of such
14 probation, and the failure of the defendant to pay such fine or costs, or both such fine and costs, at the
15 prescribed time or times may be deemed a breach of such probation. The provisions of this subsection
16 shall also apply to any person ordered to pay costs pursuant to § 19.2-303.3.17 B. A defendant placed on probation following conviction *shall be required to provide for the support*
18 *of his spouse or others for whose support he may be legally responsible, and* may be required to make
19 at least partial restitution or reparation to the aggrieved party or parties for damages or loss caused by
20 the offense for which conviction was had, ~~or may be required to provide for the support of his wife or~~
21 ~~others for whose support he may be legally responsible,~~ or may be required to perform community
22 services. The defendant may submit a proposal to the court for making restitution, for providing for
23 support or for performing community services.24 C. No defendant shall be kept under supervised probation solely because of his failure to make full
25 payment of fines, fees, or costs, provided that, following notice by the probation and parole officer to
26 each court and attorney for the Commonwealth in whose jurisdiction any fines, fees, or costs are owed
27 by the defendant, no such court or attorney for the Commonwealth objects to his removal from
28 supervised probation.

INTRODUCED

HB1897