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| **HB 956 Immediate sanction probation; removes two program limit.** [**Robert B. Bell**](http://leg1.state.va.us/cgi-bin/legp504.exe?121+mbr+H139) **|** [**all patrons**](http://leg1.state.va.us/cgi-bin/legp504.exe?121+mbr+HB956) **...** [**notes**](http://leg1.state.va.us/cgi-bin/legp507.exe?121+n1a+HB956) **|** [**add**](http://leg1.state.va.us/cgi-bin/legp508.exe?121+ubk+ONE+HB0956) **to my profiles** | Top of Form  Bottom of Form |

*Summary as introduced:*  
**Immediate sanction probation.**  Continues immediate sanction probation programs adopted in 2010 and which were subject to sunset on July 1, 2012, and removes the two program limit (expands program to statewide application). The bill provides that as a condition of suspension of sentence pursuant to § 19.2-303, a defendant who was not convicted of a violent crime may be ordered to participate in an immediate sanction probation program. An offender arrested for a violation of the conditions of his probation would receive an expedited hearing before the court. An affidavit prepared by his probation and parole officer detailing the offense for which he was arrested may be received into evidence without the officer's testimony. The immediate sanction hearing is not authorized for new criminal offenses or absconding for more than seven days. Such an offender would serve no more than 30 days in jail for a probation offense.

*Full text:*  
[01/11/12  House: Prefiled and ordered printed; offered 01/11/12 12102287D](http://leg1.state.va.us/cgi-bin/legp504.exe?121+ful+HB956)[**pdf**](http://leg1.state.va.us/cgi-bin/legp504.exe?121+ful+HB956+pdf)  
  
*Status:*  
01/11/12  House: Prefiled and ordered printed; offered 01/11/12 12102287D  
[01/11/12  House: Referred to Committee for Courts of Justice](http://leg1.state.va.us/cgi-bin/legp504.exe?121+com+H08)  
[01/16/12  House: Assigned Courts sub: #1 Criminal](http://leg1.state.va.us/cgi-bin/legp504.exe?121+sub+H08001)  
01/30/12  House: Subcommittee recommends laying on the table by voice vote  
02/14/12  House: Left in Courts of Justice

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| |  | | --- | | **Virginia Code 19.2-303.5 - Immediate sanction probation programs** | |
| |  |  | | --- | --- | | |  | | --- | | [**Virginia Code**](http://www.lawserver.com/law/state/virginia/va-code/code-of-virginia-contents) **>** [**Title 19.2**](http://www.lawserver.com/law/state/virginia/va-code/virginia_code_title_19-2) **>** [**Chapter 18**](http://www.lawserver.com/law/state/virginia/va-code/virginia_code_title_19-2_chapter_18) **> § 19.2-303.5 - Immediate sanction probation programs**  *Current as of: 2011*  [*Check for updates*](http://www.lawserver.com/law/state/virginia/va-code/check-for-updates-to-the-virginia-code)  § 19.2-303.5. (Expires July 1, 2012) Immediate sanction probation programs.  There may be established in the Commonwealth up to two immediate sanction probation programs in accordance with the following provisions:  1. As a condition of a sentence suspended pursuant to § [19.2-303](http://www.lawserver.com/law/state/virginia/va-code/virginia_code_19-2-303), a court may order a defendant convicted of a crime, other than a violent crime as defined in subsection C of § [17.1-805](http://www.lawserver.com/law/state/virginia/va-code/virginia_code_17-1-805), to participate in an immediate sanction probation program.  2. If a participating offender fails to comply with any term or condition of his probation and the alleged probation violation is not that the offender committed a new crime or infraction, (i) his probation officer shall immediately issue a noncompliance letter pursuant to § [53.1-149](http://www.lawserver.com/law/state/virginia/va-code/virginia_code_53-1-149) authorizing his arrest at any location in the Commonwealth and (ii) his probation violation hearing shall take priority on the court's docket. The probation officer may, in any event, exercise any other lawful authority he may have with respect to the offender.  3. When a participating offender is arrested pursuant to subdivision 2, the court shall conduct an immediate sanction hearing unless (i) the alleged probation violation is that the offender committed a new crime or infraction; (ii) the alleged probation violation is that the offender absconded for more than seven days; or (iii) the offender, attorney for the Commonwealth, or the court objects to such immediate sanction hearing. If the court conducts an immediate sanction hearing, it shall proceed pursuant to subdivision 4. Otherwise, the court shall proceed pursuant to § [19.2-306](http://www.lawserver.com/law/state/virginia/va-code/virginia_code_19-2-306).  4. At the immediate sanction hearing, the court shall receive the noncompliance letter, which shall be admissible as evidence, and may receive other evidence. If the court finds good cause to believe that the offender has violated the terms or conditions of his probation, it may (i) revoke no more than 30 days of the previously suspended sentence and (ii) continue or modify any existing terms and conditions of probation. If the court does not modify the terms and conditions of probation or remove the defendant from the program, the previously ordered terms and conditions of probation shall continue to apply. The court may remove the offender from the immediate sanction probation program at any time.  5. The provisions of this section shall expire on July 1, 2012. | | |