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## Staff Contacts:

### User Issues

Kari Bullock (804) 371-4299

LIDS Analyst

kari.bullock@scb.virginia.gov

Anne Wilmoth (804) 225-3307

Chief Information Officer

anne.wilmoth@scb.virginia.gov

### Policy/Audit Issues

Anne Wilmoth (804) 225-3307

Chief Information Officer

anne.wilmoth@scb.virginia.gov

Oliver Bradshaw (804) 225-3479

Audit Supervisor

oliver.bradshaw@scb.virginia.gov

### Program Issues

Anne Wilmoth (804) 225-3307

Chief Information Officer

anne.wilmoth@scb.virginia.gov

Melanie Morrison (804) 225-3336

Systems Engineer

melanie.morrison@scb.virginia.gov

Craig Giegerich (804) 225-3437

Systems Engineer

craig.giegerich@scb.virginia.gov

## FELONS SERVING WEEKENDS

A July, 2012 Opinion published by the Virginia Office of the Attorney General (OAG) precludes a person convicted of a felony offense from serving their time on weekends or non-consecutive days.

The Opinion references §53.1-131.1:

*Any court having jurisdiction for the trial of a person charged with a misdemeanor or traffic offense or charged with any offense under Chapter 5 (§ 20-61 et seq.) of Title 20 may, if the defendant is convicted and sentenced to confinement in jail, impose the time to be served on weekends or nonconsecutive days to permit the convicted defendant to retain gainful employment.*

The OAG's interpretation of §53.1-131.1 is that by specifying the crime types of "misdemeanor or traffic offense", and those that fall under Title 20 Chapter 5 (desertion/non-support etc.), the intent of the law was to purposely exclude inmates convicted of felony offenses.

Please note that this applies to **all** felony confinements, not just those that are State Responsible. This also applies to offenders who have combination misdemeanor/felony sentences. Misdemeanor offenders currently serving weekends/non-consecutive days **must** return to serving consecutive days if they are subsequently convicted of a felony. Local Responsible felons currently serving weekends/non-consecutive days **must** return to serving consecutive days. Based upon the average FY12 felon weekender population, this Opinion will currently affect about 242 inmates.

The official opinion may be accessed from the following link:

<http://www.oag.state.va.us/Opinions%20and%20Legal%20Resources/Opinions/2012opns/12-062%20Bryant.pdf>