

VIRGINIA: IN THE CIRCUIT COURT OF MATHEWS COUNTY

In re: **COMMUNITY SERVICE DURING IMPRISONMENT**

ORDER

1. Applicability

This Order applies to requests by incarcerated defendants to discharge all or part of the fine or costs by earning credits for the performance of community service.

2. Statutory Authority

Virginia Code § 19.2-354(C) allows a Court to

provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work (i) before or after imprisonment or (ii) in accordance with the provisions of § 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 during imprisonment.

3. Community Service Guidelines

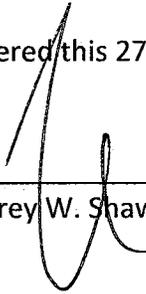
A. Fines and costs. The incarcerated defendant may discharge all or part of the fine or costs by earning credits for the performance of community service work during imprisonment only in accordance with the provisions of Virginia Code §§ 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131.

B. Approved programs. An incarcerated defendant may receive credit for *unpaid* community service only in accordance with the following programs.

- i. **Va. Code § 19.2-316.4.** Community Corrections Alternative Program (CCAP).
- ii. **Va. Code § 53.1-59.** Public works projects.
- iii. **Va. Code § 53.1-60.** Community activity programs outside the prison.
- iv. **Va. Code § 53.1-128.** Local workforces.
- v. **Va. Code § 53.1-129.** Public or non-profit work.
- vi. **Va. Code § 53.1-131.** Rehabilitative programs.

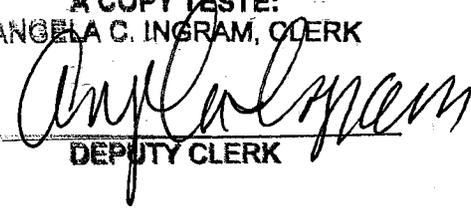
- C. Prison inmate work programs excluded.** The Court has determined that the difference in the federal or state minimum wage and the amount an inmate is paid for participating in prison work programs is **not** community service, and an incarcerated defendant will not receive credit for such work.
- D. Restitution.** Community service is not authorized to discharge restitution.
- E. Supervision of community service.** While a defendant is incarcerated, the Director of the Department of Corrections, the Sheriff, the Superintendent of the Regional Jail, the Probation or Parole Officer, or any of their designees shall approve and monitor the community service.
- F. Rate credits are earned.** Unless a higher rate is set by the supervising agency in Paragraph E. above, the incarcerated defendant shall earn credit for community service in an amount equal to the higher of the federal or state minimum wage per hour of community service performed.
- G. Required documentation.** In order to be accepted and credited, the incarcerated defendant must submit to the Clerk's office paperwork documenting the number of hours performed and the dates those hours were performed; together with a letter, on the supervising agency's letterhead, verifying that the community service listed was actually performed and the incarcerated defendant received no compensation for that community service. The Judge or Clerk may refuse to credit any community service performed that does not include this proof and verification.

Entered this 27th day of January, 2021.



Jeffrey W. Shaw, Judge

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ANGELA C. INGRAM, CLERK

BY: 

DEPUTY CLERK