



VIRGINIA PAROLE BOARD

PB29
(CCOP/PBPM)

PETITION FOR CONDITIONAL RELEASE BASED ON TERMINAL ILLNESS

*In accordance with Section 53.1-40.02 of the Code of Virginia, the Parole Board shall consider for conditional release from incarceration any inmate who is considered **terminally ill**, meaning having a chronic or progressive medical condition caused by injury, disease, or illness where the medical prognosis is the person's death within 12 months.*

INMATE NAME (Last Name, First Name MI.)

INSTITUTION (Prison Name)

VADOC INMATE ID NUMBER (7 digits)

Please identify your health issues and include medical reports as necessary. Please include residential plans, family/community support and any other pertinent information. You may attach additional information as needed.

I request the Virginia Parole Board consider me for conditional release based on the following medical information:

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Names and contact phone numbers of support individuals or groups:

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PETITION FOR TERMINAL ILLNESS CONDITIONAL RELEASE

The Virginia Parole Board may review this information for accuracy and completeness. Please furnish all information requested. Your institutional counselor may assist you in gathering pertinent information and completing this petition.

The Code of Virginia in [Title 53.1, section 53.1-40.02](#) provides the specifics for the *Conditional release of terminally ill prisoners*. Sub-section C lists the disqualifiers for consideration for conditional terminal illness release.

Section 53.1-40.02 is included as an [appendix](#) to this form.

		X	
NO. OF ATTACHMENTS	DATE (MM/DD/YYYY)	SIGNATURE	

DO NOT WRITE BELOW THIS LINE

Your petition has been reviewed and it is determined that:

- You meet the criteria for consideration of terminal illness conditional release under Section 53.1-40.02.** Your petition and related information are being forwarded to the Parole Board for their further review and consideration. You will be notified in writing of any further decisions of the Virginia Parole Board.
- The Board will NOT review your petition at this time because the Board reviewed and denied your petition less than one year ago.** The information you provided does not justify the need for further review.
- You do NOT meet the criteria for consideration of conditional release under Section 53.1-40.02.**
- Other:**

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DATE	TITLE	SIGNATURE

§ 53.1-40.02. (Effective March 1, 2021) Conditional release of terminally ill prisoners

A. As used in this section, "terminally ill" means having a chronic or progressive medical condition caused by injury, disease, or illness where the medical prognosis is the person's death within 12 months.

B. Any person serving a sentence imposed upon a conviction for a felony offense, except as provided in subsection C, who is terminally ill may petition the Parole Board for conditional release.

C. A person who is terminally ill and is serving a sentence imposed upon a conviction for one of the following offenses shall not be eligible to petition the Parole Board for conditional release:

1. A Class 1 felony;
2. Any violation of § 18.2-32, 18.2-32.1, 18.2-32.2, or 18.2-33;
3. Any violation of § 18.2-40 or 18.2-45;
4. Any violation of § 18.2-46.5, subsection A or B of § 18.2-46.6, or § 18.2-46.7;
5. Any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2, except for a violation of § 18.2-49.1;
6. Any malicious felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, any violation of § 18.2-51.7, 18.2-54.1, or 18.2-54.2, or any felony violation of § 18.2-57.2;
7. Any felony violation of § 18.2-60.3;
8. Any felony violation of § 16.1-253.2 or 18.2-60.4;
9. Robbery under § 18.2-58 or carjacking under § 18.2-58.1;
10. Criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, except, when not committed against a minor, a violation of subdivision A 5 of § 18.2-67.3, § 18.2-67.4:1, subsection B of § 18.2-67.5, or § 18.2-67.5:1;
11. Any violation of § 18.2-90 or 18.2-93;
12. Any violation of § 18.2-289 or subsection A of § 18.2-300;
13. Any felony offense in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2 involving a minor victim;
14. Any felony offense in Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2 involving a minor victim, except for a violation of § 18.2-362 or 18.2-370.5 or subsection B of § 18.2-371.1;

15. Any felony offense in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 involving a minor victim, except for a violation of subsection A of § 18.2-374.1:1;

16. Any violation of § 18.2-481, 40.1-100.2, or 40.1-103;or

17. A second or subsequent felony violation of the following offenses when such offenses were not part of a common act, transaction, or scheme and such person has been at liberty as defined in § 53.1-151 between each conviction:

a. Voluntary or involuntary manslaughter under Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2 or any crime punishable as such;

b. Any violation of § 18.2-41 or 18.2-42.1;

c. Any violation of subsection C of § 18.2-46.6;

d. Any violation when done unlawfully but not maliciously of § 18.2-51 or 18.2-51.1;

e. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;

f. Any violation of § 18.2-89 with the intent to commit any larceny or § 18.2-92;

g. Any violation of subsection A of § 18.2-374.1:1;

h. Any violation of § 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2;or

i. Any violation of subdivision E 2 of § 40.1-29.

D. The Parole Board shall promulgate regulations to implement the provisions of this section.

2020, Sp. Sess. I, cc. 33, 52.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.