



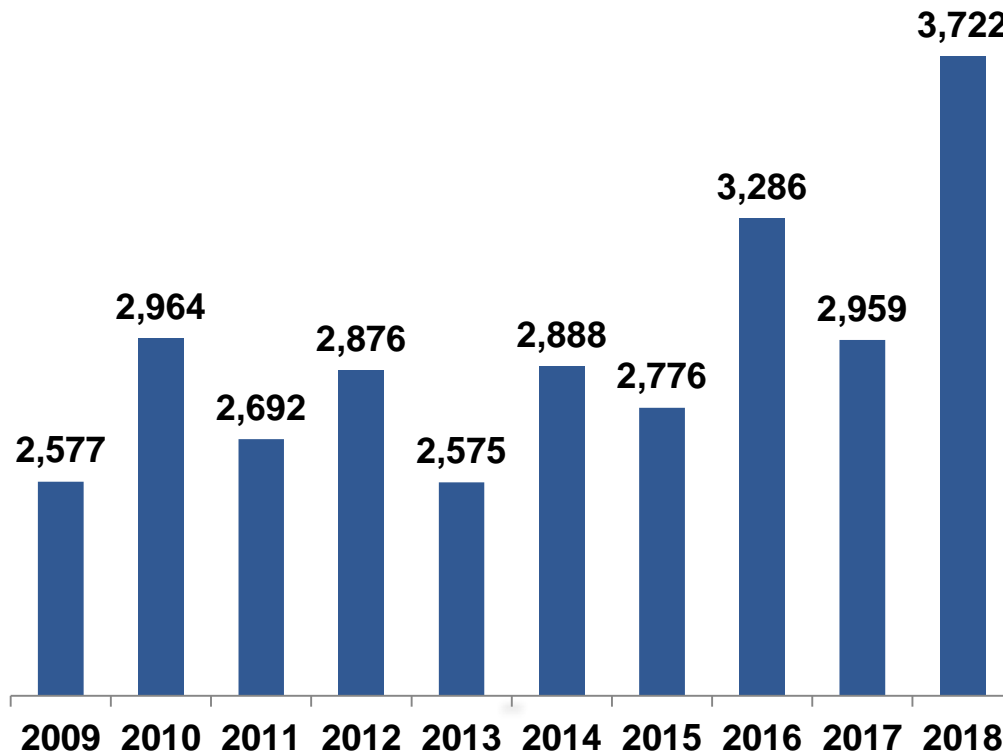
VIRGINIA CRIMINAL SENTENCING COMMISSION



April 9, 2018

General Assembly Statistics

Number of Introduced Bills by Year



The General Assembly convenes for long sessions in even-numbered years (60 days) and short sessions in odd-numbered years (45 days).

Typically, more bills are referred to a Courts of Justice Committee than any other House or Senate committee.



Sentencing Commission Session-Related Activities

Sentencing Commission staff:

- **Prepare fiscal impact statements, as required by § 30-19.1:4;**
- **Monitor legislation that may have an impact on penalties, sentencing, time served, and sex offender registration, as well as legislation proposing criminal justice studies;**
- **Observe the judicial interview process;**
- **Respond to legislators' requests for supplemental information; and**
- **Provide technical assistance to other agencies.**





Fiscal Impact Statements

Fiscal Impact Statements

§ 30-19.1:4

- **The Sentencing Commission must prepare a fiscal impact statement for any bill that would result in a net increase in the population of offenders housed in state adult correctional facilities.**
- **Law became effective July 1, 2000.**
- **Effective July 1, 2002, the impact statement must also:**
 - **Include an analysis of the impact on local and regional jails as well as state and local community corrections programs; and**
 - **Detail any necessary adjustments to the sentencing guidelines.**



Fiscal Impact Statements

§ 30-19.1:4

The requirement for an impact statement includes, but is not limited to, proposals that:

- **Add new crimes for which imprisonment is authorized;**
- **Increase the periods of imprisonment authorized for existing crimes;**
- **Raise the classification of a crime from a misdemeanor to a felony;**
- **Impose mandatory terms of imprisonment; or**
- **Modify laws governing release of prisoners.**



Fiscal Impact Statements

§ 30-19.1:4

- **The Sentencing Commission must estimate the increase in annual operating costs for prison facilities that would result if the proposal is enacted.**
 - **A six-year projection is required.**
 - **The highest single-year population increase is identified.**
 - **This is multiplied by the cost of holding a prison inmate for a year (operating costs, excluding capital costs).**
 - **For FY2017, this was \$33,707.**
 - **This amount must be printed on the face of the bill and a one-year appropriation must be made.**



Fiscal Impact Statements Additional Provisions

If the Sentencing Commission does not have sufficient information to project the impact, § 30-19.1:4 specifies that the words "Cannot be determined" must be printed on the face of the bill.

**Item 50 of
Chapter 836 of the 2017 Acts of Assembly
(Appropriation Act)**

For any fiscal impact statement prepared by the Virginia Criminal Sentencing Commission pursuant to § 30-19.1:4, Code of Virginia, for which the commission does not have sufficient information to project the impact, the commission shall assign a minimum fiscal impact of \$50,000 to the bill and this amount shall be printed on the face of each such bill, but shall not be codified. The provisions of § 30-19.1:4, paragraph H. shall be applicable to any such bill.



Fiscal Impact Statements

§ 30-19.1:4

- **The Department of Juvenile Justice (DJJ) prepares a fiscal impact estimate for any bill that would result in a net increase in the juvenile population committed to the state.**
- **DJJ provides this information to the Sentencing Commission and a combined statement is submitted to the General Assembly.**

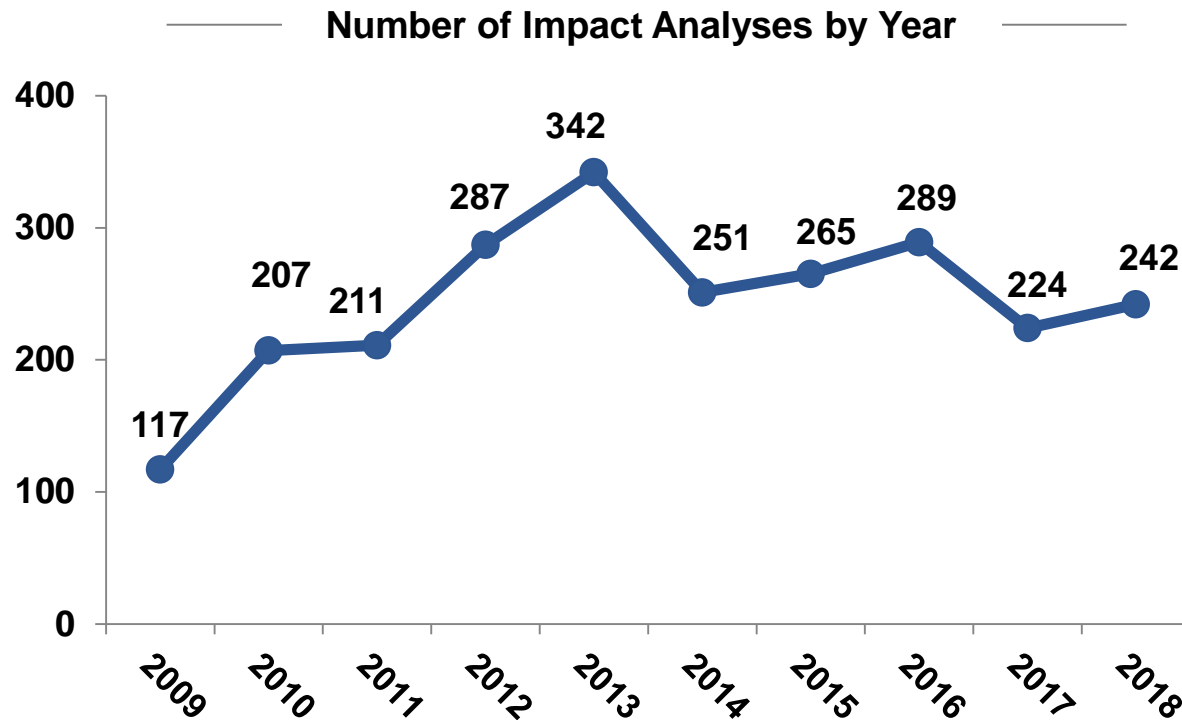


Calculation of Fiscal Impact

- **Sentencing Commission staff analyze available data to determine (or estimate) the number of offenders likely to be affected by the legislation and the impact on sentences and/or time served for those offenders.**
- **The data are used in a computer simulation model to estimate the net increase in the prison population likely to result from the proposal during the six years following enactment.**
- **If data do not contain sufficient detail to estimate the impact of the proposal, background statistics are provided, if possible.**



Impact Analyses Completed for 2009 - 2018 Sessions of the General Assembly



Multiple analyses may be performed on each bill, depending on the number of amended and substitute versions that are proposed or adopted.



2018 General Assembly Types of Legislative Changes

Type of Legislative Change	Percent
Expansion or Clarification of Crime	81.4%
New Crime	35.5%
Misdemeanor to Felony	14.0%
Increase Felony Penalty	0.4%
Mandatory Minimum	2.1%
Other	40.9%

242 Impact Analyses Completed

Percentages do not add to 100%, since proposed legislation can involve multiple types of changes. Multiple analyses may be performed on each bill, depending on the number of amended and substitute versions that are proposed or adopted.



Most Common Types of Offenses in Proposed Legislation

- **Firearms (77 analyses)**
- **Sex Offenders and Offenses (22 analyses)**
- **DWI/Motor Vehicle (18 analyses)**
- **Murder/Homicide (12 analyses)**
- **Assault (11 analyses)**
- **Drugs (10 analyses)**
- **Hate Crimes (10 analyses)**
- **Animals (9 analyses)**
- **Fraud/Larceny (9 analyses)**
- **Protective Orders (7 analyses)**



Joint Legislative Audit and Review Commission (JLARC) Review of Fiscal Impact Statements

- **Legislators can request that JLARC review the Commission's fiscal impact statements.**
 - **The number of requests has ranged from 0 to 2 per year.**

- **During the 2018 Session, JLARC was asked to review one of the Commission's fiscal impact statements.**
 - **Senate Bill 402 – In certain DUI cases, the court may order that the offender wear a secure transdermal alcohol-monitoring device (SCRAM bracelet) that continuously monitors the person's blood alcohol level as a condition of a restricted license.**
 - » **JLARC concluded no budget amendment was necessary.**





Legislation Relating
to the Sentencing Commission
2018 General Assembly



HB 126

Virginia Criminal Sentencing Commission; parole-eligible inmates, report.

Introduced by: Jennifer Carroll Foy

SUMMARY AS INTRODUCED:

Directs the Commission to review the status of all offenders who are housed in DOC facilities are subject to consideration for parole in order to determine the number of such offenders who have already served, or who within the next six years will have served, an amount of time in prison equal to or more than the amount of time for which they would have been sentenced for the same offense under the current sentencing guidelines. The bill requires the Commission to report its findings on or before October 1, 2018. The Commission last performed such a review in 2009.

HISTORY

12/18/17 House: Referred to Committee for Courts of Justice
02/01/18 House: Assigned to Courts Criminal Law subcommittee
02/02/18 House: Subcommittee recommends passing by indefinitely (5-Y 2-N)
02/15/18 House: Left in Courts of Justice



HB 417

Sentencing guidelines; modification, new sentencing proceeding.

Introduced by: Elizabeth R. Guzman

SUMMARY AS INTRODUCED:

Creates a mechanism for an incarcerated person to petition for a new sentencing hearing if the sentencing guidelines for the offense are lowered subsequent to the date of the person's conviction. The petition is to be filed with the circuit court that entered the judgment order of conviction, which must conduct a new sentencing proceeding. Any sentence imposed as a result of this proceeding may not exceed the sentence originally imposed.

HISTORY

01/05/18 House: Referred to Committee for Courts of Justice

01/16/18 House: Assigned Courts Criminal Law subcommittee

01/17/18 House: Subcommittee recommends passing by indefinitely (8-Y 0-N)

02/15/18 House: Left in Courts of Justice



HB 519

Violent felony; assault and battery against a law-enforcement officer, etc.

Introduced by: Robert B. Bell

SUMMARY AS INTRODUCED:

Adds assault and battery of a law-enforcement officer, etc., under § 18.2-57(C) to the list of violent felonies in § 17.1-805. The consequences when an offense falls under the definition of violent felony include increased sentence recommendations, enhanced punishment for certain other offenses, restricted eligibility for participation in a drug treatment court, a presumption against bail for persons illegally present in the United States, and an expansion of the definition of victim for the purpose of compensation of crime victims.

VCSC FISCAL IMPACT: Cannot be determined (\$50,000)

HISTORY

01/08/18 House: Referred to Committee for Courts of Justice

02/15/18 House: Left in Courts of Justice

VCSC ANALYSIS: According to the Sentencing Guidelines data for FY2012 to FY2017, 3,062 offenders were sentenced for assault of a law enforcement officer, etc. At the time of sentencing, the majority, 73%, did not have prior convictions for violent offenses (§ 17.1- 805). Of this group, if any were to be convicted of a new felony offense in the future, their sentencing guidelines recommendation would be enhanced and the length of incarceration would likely increase because of the proposal. It is difficult to determine the impact of the proposal because recidivism rates and compliance with the sentencing guidelines recommendations cannot be projected for this group.



HB 1055

Sentencing guidelines; judicial performance evaluation program, report.

Introduced by: Charniele L. Herring

SUMMARY AS PASSED:

Provides that the report of a judge's judicial performance evaluation, which is transmitted to the General Assembly, shall include the number of cases in which such judge did not file a written explanation of departure from the sentencing guidelines as required by law.

HISTORY

- 01/10/18 House: Referred to Committee for Courts of Justice
- 01/18/18 House: Assigned to Courts Criminal Law subcommittee
- 01/19/18 House: Subcommittee recommends reporting with amendments (8-Y 0-N)
- 01/29/18 House: Reported from Courts of Justice with amendments (18-Y 0-N)
- 01/31/18 House: Motion to rerefer to committee agreed to
- 01/31/18 House: Rereferred to Courts of Justice
- 02/01/18 House: Assigned Courts Criminal Law subcommittee
- 02/02/18 House: Subcommittee recommends reporting with substitute (7-Y 0-N)
- 02/05/18 House: Reported from Courts of Justice with substitute (18-Y 0-N)
- 02/09/18 House: Passed House BLOCK VOTE (99-Y 0-N)



HB 1055

Sentencing guidelines; judicial performance evaluation program, report.

Introduced by: Charniele L. Herring

HISTORY (continued)

02/12/18 Senate: Referred to Committee for Courts of Justice

02/21/18 Senate: Reported from Courts of Justice with substitute (11-Y 4-N)

02/26/18 Senate: Passed Senate with substitute (32-Y 8-N)

02/28/18 House: Senate substitute rejected by House

03/02/18 Senate: Senate insisted on substitute (38-Y 0-N)

03/08/18 Conference: Recommended accepting Senate substitute

03/09/18 House: Conference report agreed to by House (97-Y 0-N)

03/09/18 Senate: Conference report agreed to by Senate (40-Y 0-N)

03/26/18 Governor: Governor's action deadline midnight, April 9, 2018

**Sentencing Guidelines Concurrence and Departure Rates
CY 2010 – CY 2017 (Through June)**

Statewide Summary

YEAR	CONCURRENCE	MITIGATION^{1,2}	AGGRAVATION	CASES	DEPARTURE REASON MISSING (CASES)
2010	79.3%	11.5%	9.2%	24,089	3.8% (919)
2011	79.1%	11.0%	9.9%	24,079	4.2% (1,002)
2012	78.0%	11.8%	10.2%	23,946	4.1% (970)
2013	78.2%	11.2%	10.6%	24,885	3.3% (831)
2014	79.6%	10.7%	9.7%	24,727	2.9% (723)
2015	80.2%	10.4%	9.4%	23,777	2.5% (604)
2016	81.1%	9.7%	9.2%	23,526	2.4% (556)
2017	81.2%	9.7%	9.1%	11,714	2.5% (290)
TOTAL	79.5%	10.8%	9.7%	180,743	3.3% (5,895)

Note: Figures for CY2017 are through June only.

¹ There were a total of 262 jury recommendations between 2010 and 2017 that were below the guidelines recommendation. By law, judges are not permitted to increase a sentence recommended by a jury (§ 19.2-303).

² Mitigation category includes 278 defendants committed to DJJ under the provisions of § 16.2-285.1 between January 2010 and June 2017.

Each year, the General Assembly requests a sentencing guidelines report for judges up for re-appointment.

A report like this one is generated for each such judge.

The percentage of missing departure reasons has declined overall since 2011.



- **This year, Commission staff also received a request from a legislator for the percentage of missing departure reasons for each active circuit court judge.**
- **Commission staff compiled FY2017 statistics and submitted the information to the legislator.**



HB 1243

Parole Board; parole review, sentencing guidelines.

Introduced by: Mark D. Sickles

SUMMARY AS INTRODUCED:

Requires the Parole Board to base its parole decision for any person seeking parole for whom the Commission has determined, or who otherwise demonstrates, that his time served has exceeded the midpoint of the sentencing guidelines solely on relevant post-sentencing information, including the person's history, character, and conduct while in prison.

HISTORY

01/10/18 House: Referred to Committee on Militia, Police and Public Safety

01/17/18 House: Assigned MPPS subcommittee #2

02/01/18 House: Subcommittee failed to recommend reporting (3-Y 3-N)

02/13/18 House: Left in Militia, Police and Public Safety



HB 1312

Sentencing guidelines; appeals.

Introduced by: Joseph C. Lindsey

SUMMARY AS INTRODUCED:

Allows a court's departure from the discretionary sentencing guidelines to be reviewable on appeal, provided that the court failed to file the required written explanation of such departure and the sentence imposed exceeded the maximum of the sentencing guidelines range by more than 12 months. The bill provides that the appellate court reviewing the sentence shall (i) determine whether there exists evidence of potential bias by the court that imposed the sentence and (ii) if such evidence is found, review the sentence for abuse of discretion.

HISTORY

01/10/18 House: Referred to Committee for Courts of Justice

01/18/18 House: Assigned Courts Criminal Law subcommittee

01/19/18 House: Subcommittee recommends laying on the table (7-Y 1-N)

02/15/18 House: Left in Courts of Justice

HOUSE BILL NO. 1312

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for _____
on _____)

(Patron Prior to Substitute--Delegate Lindsey)

A BILL to amend and reenact § 19.2-298.01 of the Code of Virginia, relating to discretionary
guidelines.

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-298.01 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-298.01. Use of discretionary sentencing guidelines.

A. In all felony cases, other than Class 1 felonies, the court shall (i) have presented appropriate discretionary sentencing guidelines worksheets and (ii) review and consider the applicable discretionary sentencing guidelines established pursuant to Chapter 8 (§ 17.1-8 of Title 17.1. Before imposing sentence, the court shall state for the record that such consideration have been accomplished and shall make the completed worksheets a part of the case and open for inspection. In cases tried by a jury, the jury shall not be presented any regarding sentencing guidelines.

B. In any felony case, other than Class 1 felonies, in which the court imposes a sentence either greater or less than that indicated by the discretionary sentencing guidelines, the court shall the record of the case a written explanation of such departure.

C. In felony cases, other than Class 1 felonies, tried by a jury and in felony cases tried without a jury upon a plea of not guilty, the court shall direct a probation officer of such court the discretionary sentencing guidelines worksheets. In felony cases tried upon a plea of guilty cases which are the subject of a plea agreement, the court shall direct a probation officer of such prepare the discretionary sentencing guidelines worksheets, or, with the concurrence of the a

26 court and the attorney for the Commonwealth, the worksheets shall be prepared by the attorney for the
27 Commonwealth.

28 D. Except as provided in subsection E, discretionary sentencing guidelines worksheets prepared
29 pursuant to this section shall be subject to the same distribution as presentence investigation reports
30 prepared pursuant to subsection A of § 19.2-299.

31 E. Following the entry of a final order of conviction and sentence in a felony case, the clerk of the
32 circuit court in which the case was tried shall cause a copy of such order or orders, the original of the
33 discretionary sentencing guidelines worksheets prepared in the case, and a copy of any departure
34 explanation prepared pursuant to subsection B to be forwarded to the Virginia Criminal Sentencing
35 Commission within five days. Similarly, the statement required by §§ 19.2-295 and 19.2-303 and
36 regarding departure from or modification of a sentence fixed by a jury shall be forwarded to the Virginia

37 Criminal Sentencing Commission. The Virginia Criminal Sentencing Commission shall report by
38 December 1 of each year to the Chairmen of the House and Senate Committees for Courts of Justice the
39 number of cases in which a departure statement required pursuant to subsection B was not prepared and
40 the name of the judge who entered the final order of conviction and sentence in each such case.

41 F. The failure to follow any or all of the provisions of this section or the failure to follow any or
42 all of the provisions of this section in the prescribed manner shall not be reviewable on appeal or the basis
43 of any other post-conviction relief.

44 G. The provisions of this section shall apply only to felony cases in which the offense is committed
45 on or after January 1, 1995, and for which there are discretionary sentencing guidelines. For purposes of
46 the discretionary sentencing guidelines only, a person sentenced to a boot camp incarceration program
47 pursuant to § 19.2-316.1, a detention center incarceration program pursuant to § 19.2-316.2 or a diversion
48 center incarceration program pursuant to § 19.2-316.3 shall be deemed to be sentenced to a term of
49 incarceration.



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

ROBERT B. BELL
2309 FINCH COURT
CHARLOTTESVILLE, VIRGINIA 22911

FIFTY-EIGHTH DISTRICT

COMMITTEE ASSIGNMENTS:
COURTS OF JUSTICE (CHAIRMAN)
COMMERCE AND LABOR
HEALTH, WELFARE AND INSTITUTIONS

March 9, 2018

Meredith Farrar-Owens, Director
Virginia Criminal Sentencing Commission
100 North Ninth Street
Richmond, Virginia 23219

Dear Ms. Farrar-Owens,

I am writing to you in regards to legislation that was tabled in the House Courts of Justice Committee during the 2018 General Assembly Session. Specifically, the substitute to the legislation would have codified the current practice of the Virginia Criminal Sentencing Commission reporting to the House and Senate Courts of Justice Committees the number of cases in which judges did not file a written departure from the sentencing guidelines. Could you please review the bill and the concepts it addresses and make recommendations for improvements to the existing practice for the 2019 Session?

HB 1312 (Lindsey)

Thank you for your consideration. Should you need any other information, please do not hesitate to contact me.

Best Regards,

Robert B. Bell

CC: The Honorable Joseph C. Lindsey



Recommendations in the 2017 Annual Report

No legislation was introduced during the 2018 General Assembly session pertaining to the recommendations contained in the Commission's 2017 Annual Report.

Pursuant to § 17.1-806, unless otherwise acted upon by the General Assembly, any recommendations contained in the Commission's Annual Report automatically take effect the following July 1.



Legislation Passed by the 2018 General Assembly



Identical to
HB 1550 (Adams) –
Passed House & Senate

SB 105

Grand larceny; increases threshold amount.

Introduced by: David R. Suetterlein

SUMMARY AS PASSED:

Increases from \$200 to \$500 the threshold amount of money or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill also increases the threshold for certain property crimes. This bill incorporates SB 21, SB 102, SB 138, SB 157, SB 220, SB 221, and SB 472 and is identical to HB 1550.

VCSC FISCAL IMPACT: Not required

HISTORY

12/12/17 Senate: Referred to Committee for Courts of Justice
01/15/18 Senate: Reported from Courts of Justice with substitute (12-Y 3-N)
01/18/18 Senate: Passed Senate (36-Y 3-N)
01/23/18 House: Referred to Committee on Rules
03/01/18 House: Referred to Committee for Courts of Justice
03/02/18 House: Reported from Courts of Justice (16-Y 0-N)
03/07/18 House: Passed House BLOCK VOTE (98-Y 0-N)
04/04/18 Governor: Approved by Governor-Chapter 765 (effective 7/1/18)

Estimated Impact on State-Responsible Bed Space of Raising the Felony Larceny Threshold from \$200 to \$500

Agency Conducting Analysis	Year of Analysis	Estimated State-Responsible Bed Space Impact*
DOC	2008	-135 beds
VCSC	2009	-192 beds
DOC	2015	-20 beds
VCSC	2016	-51 beds
VCSC	2017	-94 beds

* Analyses were based on a six-year projection of the potential impact on bed space. Individual analyses varied based on the assumptions made, data sources used, and the types of impacts quantified for the analysis (i.e., larceny as current offense, additional offense, or prior record).



Identical to
SB 994 (Obenshain) –
Passed House & Senate

HB 484

Restitution; probation.

Introduced by: Robert B. Bell

SUMMARY AS PASSED:

Establishes procedures to be used by courts to monitor the payment of restitution. A probation agency ordered to monitor the restitution payments must notify the court and Commonwealth's attorney of any unsatisfied restitution prior to the defendant's release from supervision. The court must conduct a hearing prior to the defendant's release from supervision to review compliance with the restitution order. The court may discontinue hearings if the defendant will remain unable to pay. The bill also sets forth the remedies available to the court if a defendant fails to comply with a restitution order.

VCSC FISCAL IMPACT: Not required

HISTORY

- 02/02/18 House: Courts of Justice Criminal Law Subcommittee recommends reporting with substitute (7-Y 0-N)
- 02/05/18 House: Reported from Courts of Justice with substitute (15-Y 3-N)
- 02/12/18 House: VOTE: PASSAGE (79-Y 20-N)
- 02/19/18 Senate: Reported from Courts of Justice with substitute (14-Y 1-N)
- 02/21/18 Senate: Passed Senate with substitute (37-Y 3-N)
- 02/23/18 House: Senate substitute agreed to by House (83-Y 14-N)
- 03/05/18 Governor: Governor's Action Deadline Midnight, April 9, 2018
- 03/19/18 Governor: Approved by Governor - Chapter 316 (effective 7/1/18)

SB 47

Female genital mutilation; increases criminal penalty to Class 2 felony.

Introduced by: Richard H. Black

SUMMARY AS PASSED:

Increases from a Class 1 misdemeanor to a Class 2 felony the penalty for any person to knowingly commit, or for a parent or guardian to permit, female genital mutilation as defined in the bill.

VCSC FISCAL IMPACT: Cannot be determined (\$50,000)

HISTORY

01/22/18 Senate: Reported from Courts of Justice (14-Y 0-N)
01/31/18 Senate: Reported from Finance with amendment (16-Y 0-N)
02/05/18 Senate: Passed Senate (40-Y 0-N)
02/08/18 House: Referred to Committee for Courts of Justice
02/16/18 House: Assigned Courts Criminal Law subcommittee
02/19/18 House: Subcommittee recommends reporting (8-Y 0-N)
02/23/18 House: Reported from Courts of Justice (18-Y 0-N)
02/26/18 House: Assigned Appropriations subcommittee: Public Safety
03/01/18 House: Subcommittee recommends reporting w/amendment (8-Y 0-N)
03/02/18 House: Reported from Appropriations with amendment (22-Y 0-N)
03/07/18 House: Passed House with amendment BLOCK VOTE (98-Y 0-N)
03/08/18 Senate: House amendment agreed to by Senate (40-Y 0-N)
03/30/18 Governor: Approved by Governor-Chapter 549 (effective 7/1/18)





Identical to
SB 35 (Stanley) –
Passed House & Senate

HB 188

Sentence reduction; substantial assistance to prosecution.

Introduced by: Christopher E. Collins

SUMMARY AS PASSED:

Allows a convicted person's sentence to be reduced if such person provides substantial assistance, defined in the bill, in the furtherance of the investigation or prosecution of another person engaged in an act of violence or for offenses involving the manufacture or distribution of controlled substances or marijuana. Sentence reduction can occur only upon motion of the attorney for the Commonwealth. This bill incorporates HB 203 and is identical to SB 35.

VCSC FISCAL IMPACT: Not required

HISTORY

- 12/26/17 House: Courts of Justice Criminal Law subcommittee recommends reporting with substitute (8-Y 0-N)
- 01/29/18 House: Reported from Courts of Justice with substitute (18-Y 0-N)
- 02/02/18 House: Passed House BLOCK VOTE (98-Y 0-N)
- 02/12/18 Senate: Reported from Courts of Justice with substitute (15-Y 0-N)
- 02/14/18 Senate: Passed Senate with substitute (40-Y 0-N)
- 03/07/18 Conference: Amended by conference committee
- 03/08/18 House: Conference report agreed to by House (97-Y 0-N)
- 03/08/18 Senate: Conference report agreed to by Senate (40-Y 0-N)
- 03/29/18 Governor: Approved by Governor - Chapter 492 (effective 7/1/18)



Identical to
SB 565 (Obenshain) –
Passed House & Senate

HB 1249

DNA; analysis upon conviction of certain misdemeanors.

Introduced by: David J. Toscano

SUMMARY AS PASSED:

Adds misdemeanor violations of §§ 18.2-57 (assault and battery) and 18.2-119 (trespass) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis. This bill is identical to SB 565.

VCSC FISCAL IMPACT: Not required

HISTORY

- 02/05/18 House: Reported from Courts of Justice (18-Y 0-N)
- 02/09/18 House: Reported from Appropriations with amendment (21-Y 0-N)
- 02/13/18 House: Passed House (91-Y 7-N 1-A)
- 02/19/18 Senate: Reported from Courts of Justice with amendment (13-Y 2-N)
- 02/21/18 Senate: Passed Senate with amendment (32-Y 8-N)
- 02/23/18 House: Senate amendment rejected by House (1-Y 97-N)
- 03/06/18 Conference: Amended by conference committee
- 03/07/18 Senate: Conference report agreed to by Senate (28-Y 11-N)
- 03/08/18 House: Conference report agreed to by House (88-Y 8-N 1-A)
- 03/30/18 Governor: Approved by Governor-Chapter 543 (effective 7/1/18)

HB 780

Public access to nonconfidential court records.

Introduced by: Gregory D. Habeeb

SUMMARY AS PASSED HOUSE:

Provides that a clerk of court or the Executive Secretary of the Supreme Court shall make nonconfidential court records or reports of aggregated, non-confidential case data available to the public upon request. The clerk may charge a fee shall not exceed the actual cost incurred in compiling the requested records. Finally, the bill requires the Executive Secretary to make available to the public a statewide online case information system of nonconfidential information for criminal cases by July 1, 2019. This bill is identical to SB 564.

HISTORY

- 01/31/18 House: Courts of Justice Criminal Law Subcommittee recommends reporting with substitute (8-Y 0-N)
- 02/05/18 House: Reported from Courts of Justice with substitute (18-Y 0-N)
- 02/09/18 House: Passed House (99-Y 0-N)
- 02/14/18 Senate: Reported from Courts of Justice (14-Y 0-N)
- 02/19/18 Senate: Passed Senate (40-Y 0-N)
- 02/21/18 House: Signed by Speaker
- 02/23/18 Senate: Signed by President
- 03/02/18 Governor: Approved by Governor - Acts of Assembly Chapter 127



Identical to
SB 564 (Obenshain) –
Passed House & Senate

HB 780

Public access to nonconfidential court records.

Introduced by: Gregory D. Habeeb



- Bill covers both General District Court and Circuit Court records.
- Requests for reports of aggregated, nonconfidential case data fields that are viewable through the online case information systems maintained by the Executive Secretary of the Supreme Court shall be made to the Office of the Executive Secretary.

Such reports of aggregated case data shall not include the name, date of birth, or social security number of any party and shall not include images of the individual records in the respective case files.

Identical to
SB 564 (Obenshain) –
Passed House & Senate



Legislation Not Passed by the
2017 General Assembly

HB 1314

Exception to limitation of parole statutes.

Introduced by: Joseph C. Lindsey

SUMMARY:

Provides that a person is entitled to parole who was sentenced by a jury prior to the Supreme Court of Virginia decision in *Fishback v. Comm.*, 260 Va. 104 (June 9, 2000) for a felony committed after the abolition of parole went into effect (Jan. 1, 1995) if the jury was not informed that parole had been abolished.

HISTORY

01/19/18 House: Courts of Justice Criminal Law subcommittee recommends passing by indefinitely (6-Y 2-N)

02/15/18 House: Left in Courts of Justice

SB 100

New sentencing hearing; abolition of parole.

Introduced by: Jennifer L. McClellan

SUMMARY:

Provides that a person who was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Comm.*, 260 Va. 104 (June 9, 2000) for a nonviolent felony committed after the abolition of parole went into effect (Jan. 1, 1995) is entitled to a new sentencing proceeding if the jury was not informed that parole had been abolished and such person is still incarcerated.

HISTORY

01/17/18 Senate: Reported from Courts of Justice (8-Y 7-N)

01/23/18 Senate: Passed Senate (20-Y 19-N)

01/23/18 Senate: Reconsideration of passage

01/23/18 Senate: Passed by for the day

01/24/18 Senate: Defeated by Senate (19-Y 20-N)



General Assembly website:

<http://virginiageneralassembly.gov/>