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HOUSE BILL NO. 1589

Offered January 13, 2025

Prefiled January 2, 2025

A BILL to amend and reenact §§ 53.1-134, 53.1-134.1, 53.1-136, and 53.1-155 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3707.02, relating to powers and duties of Parole Board; voting requirements; meetings.

Patron—Williams

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-134, 53.1-134.1, 53.1-136, and 53.1-155 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3707.02 as follows:

§ 2.2-3707.02. Meetings of Virginia Parole Board.

Except for a public meeting convened pursuant to subdivision 10 of § 53.1-136 for conducting the final deliberation and vote regarding whether the Virginia Parole Board will grant parole to a prisoner, a meeting of the Virginia Parole Board members, regardless of whether such members invite staff or other guests to participate in such meeting, shall not be deemed a meeting subject to the provisions of this chapter.

§ 53.1-134. Virginia Parole Board; appointment of members.

There shall be a Virginia Parole Board which (the Board) that shall consist of up to five 10 members appointed by the Governor and subject to confirmation by the General Assembly, if in session when such appointment is made, and if not in session, then at its next succeeding session. At least one member of the Parole Board shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01. When a vacancy on the Board occurs, the Governor shall appoint a member to fill such vacancy within 60 days.

The members of the Parole Board shall serve at the pleasure of the Governor.

§ 53.1-134.1. Parole Board decisions; voting requirements.

Notwithstanding any other provision of law or regulation, if the Parole Board adopts a rule or regulation requiring the concurrence In the case of a person serving life imprisonment, the final deliberation and vote of whether to grant such person parole shall be attended by a panel of four or more members of the Parole Board to grant discretionary parole or conditional release, in the event that there are less than four members but at least. In all other cases, the final deliberation and vote shall be attended by a panel of no fewer than three members on of the Parole Board, then such requirement shall be satisfied upon a unanimous vote of all members on the Parole. The Board shall promulgate rules to ensure that such members are randomly assigned to panels and to serve on an equal number of panels, as is reasonably possible.

A decision to grant discretionary parole shall require the concurrence of a majority of members present for the final deliberation and vote, except that in cases of a person serving life imprisonment, a decision to grant discretionary parole shall require the concurrence of four or more of the members present for the final deliberation and vote.

§ 53.1-136. Powers and duties of Board; notice of release of certain inmates; report.

In addition to the other powers and duties imposed upon the Board by this article, the Board shall:

1. Adopt, subject to approval by the Governor, general rules governing the granting of parole and eligibility requirements, which shall be published and posted for public review. Such eligibility rules shall require consideration of the prisoner's demonstrated rehabilitation, economic and educational development, commitment to prosocial behavior, and community and family supports;

2. Adopt, subject to approval by the Governor, rules providing for the granting of parole to those prisoners who are eligible for parole pursuant to § 53.1-165.1 on the basis of demonstrated maturity and rehabilitation and the lesser culpability of juvenile offenders;

3. a. Release on parole for such time and upon such terms and conditions as the Board shall prescribe, persons convicted of felonies and confined under the laws of the Commonwealth in any correctional facility in Virginia when those persons become eligible and are found suitable for parole, according to those rules adopted pursuant to subdivisions 1 and 2;

b. Establish the conditions of postrelease supervision authorized pursuant to § 18.2-10 and subsection A of § 19.2-295.2;

e. Notify the Department of Corrections of its decision to grant discretionary parole or conditional release to an inmate. The Department of Corrections shall set the release date for such inmate no sooner than 30 business days from the date that the Department of Corrections receives such notification from the Chairman

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59 of the Board, except that the Department of Corrections may set an earlier release date in the case of an
60 inmate granted conditional release pursuant to § 53.1-40.02. In the case of an inmate granted parole who was
61 convicted of a felony and sentenced to a term of 10 or more years, or an inmate granted conditional release,
62 the Board shall notify the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced
63 (i) by electronic means at least 21 business days prior to such inmate's release that such inmate has been
64 granted discretionary parole or conditional release pursuant to § 53.1-40.01 or 53.1-40.02 or (ii) by telephone
65 or other electronic means prior to such inmate's release that such inmate has been granted conditional release
66 pursuant to § 53.1-40.02 where death is imminent. Nothing in this section shall be construed to alter the
67 obligations of the Board under § 53.1-155 for investigation prior to release on discretionary parole;

68 ~~d. c.~~ Provide that in any case where a person who is released on parole ~~or postrelease supervision~~ has been
69 committed to the Department of Behavioral Health and Developmental Services under the provisions of
70 Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 the conditions of his parole ~~or postrelease supervision~~ shall
71 include the requirement that the person comply with all conditions given him by the Department of
72 Behavioral Health and Developmental Services and that he follow all of the terms of his treatment plan;

73 4. Revoke parole ~~and any period of postrelease~~ and order the reincarceration of any parolee ~~or felon~~
74 ~~servng a period of postrelease supervision~~ or impose a condition of participation in any component of the
75 Statewide Community-Based Corrections System for State-Responsible Offenders (§ 53.1-67.2 et seq.) on
76 any eligible parolee, when, in the judgment of the Board, he has violated the conditions of his parole ~~or~~
77 ~~postrelease supervision~~ or is otherwise unfit to be on parole ~~or on postrelease supervision~~;

78 5. Issue final discharges to persons released by the Board on parole when the Board is of the opinion that
79 the discharge of the parolee will not be incompatible with the welfare of such person or of society. Final
80 discharges granted prior to the expiration of a period of parole shall be granted only upon approval by a
81 majority of Board members. The Board shall publish an annual report regarding final discharges issued by the
82 Board during the previous 12 months. The report shall include (i) the name of each prisoner granted final
83 discharge, (ii) the offense of which the prisoner was convicted, (iii) the jurisdiction in which such offense was
84 committed, (iv) the length of the prisoner's sentence and the date such sentence was imposed, (v) the amount
85 of time the prisoner has been on parole ~~or postrelease supervision~~ in the community, (vi) the basis for the
86 final discharge, and (vii) the vote of each Board member;

87 6. Make investigations and reports with respect to any commutation of sentence, pardon, reprieve or
88 remission of fine, or penalty when requested by the Governor;

89 7. Publish a statement by the fifteenth day of each month regarding the actions taken by the Board on the
90 parole of prisoners during the prior month. The statement shall list (i) the name of each prisoner considered
91 for parole, (ii) the offense of which the prisoner was convicted, (iii) the jurisdiction in which such offense
92 was committed, (iv) the length of the prisoner's sentence and the date such sentence was imposed, (v) the
93 amount of time the prisoner has served, (vi) whether the prisoner was granted or denied parole, (vii)
94 individualized reasons for the grant or denial of parole, and (viii) the final vote and the names of the Board
95 members who voted in favor of granting parole and those who voted against. However, in the case of a
96 prisoner granted parole, the information set forth in clauses (i) through (viii) regarding such prisoner shall be
97 included in the statement published in the month immediately succeeding the month in which notification of
98 the decision to grant parole was given to the attorney for the Commonwealth and any victims;

99 8. Publish an annual report regarding actions taken by the Board on the parole of prisoners during the
100 prior year. Such report shall contain each monthly statement published by the Board pursuant to subdivision 7
101 and a summary that identifies (i) the total number of prisoners considered for parole, (ii) the number of
102 persons granted parole, (iii) the number of persons denied parole, and (iv) the most common reasons for
103 which parole was granted or denied;

104 9. Ensure that each person eligible for parole receives a timely and thorough review of his suitability for
105 release on parole, including a review of any relevant post-sentencing information. If parole is denied, the
106 basis for the denial of parole shall be in writing and shall give specific, individualized reasons for such denial
107 to such inmate; and

108 10. Convene a public meeting, either in person or via video conference, when conducting the final
109 deliberation and vote regarding whether the Board will grant parole to a prisoner. The prisoner being
110 considered for parole or his attorney shall be permitted to attend such meeting either, in the Board's
111 discretion, in person or via video conference. The victim shall be permitted to attend and participate in such
112 meeting either, in the Board's discretion, in person or via video or phone conference or to provide written or
113 recorded testimony. No decision to grant discretionary parole shall be made by the Board unless such
114 decision was discussed and debated at a meeting at which a ~~majority~~ *no fewer than three* of the Board
115 members were present. Whether the Board grants or denies discretionary parole to an inmate, each Board
116 member shall identify his reasoning for such decision at the time such member's vote is cast.

117 **§ 53.1-155. Investigation prior to release; transition assistance.**

118 A. No person shall be released on parole by the Board until a thorough investigation has been made into
119 the prisoner's history, physical and mental condition and character, and his conduct, employment, and attitude

120 while in prison. ~~All~~ *At least 30 days prior to the Board's final deliberation and vote regarding whether to*
 121 *grant a prisoner discretionary parole, the Board shall provide a true copy of all information collected*
 122 *through such investigation shall be made available* to the prisoner or his attorney, provided that (i) neither the
 123 prisoner nor his attorney shall *willfully or intentionally* further disclose, reproduce, copy, or disseminate such
 124 information in any way and (ii) the Board shall redact all personal information of the victim, *including*
 125 *names, contact information, and medical information. Such true copy of information may be provided*
 126 *electronically or in paper form.* The Board shall also determine that his release on parole will not be
 127 incompatible with the interests of society or of the prisoner. The provisions of this section shall not be
 128 applicable to persons released on parole pursuant to § 53.1-159.

129 B. An investigation conducted pursuant to this section shall include notification that a victim may submit
 130 to the ~~Virginia Parole~~ Board evidence concerning the impact that the release of the prisoner will have on such
 131 victim. This notification shall be sent to the last address provided to the Board by any victim of a crime for
 132 which the prisoner was incarcerated. If additional victim research is necessary, electronic notification shall be
 133 sent to the attorney for the Commonwealth and the director of the victim/witness program, if one exists, of
 134 the jurisdiction in which the offense occurred. The Board shall endeavor diligently to contact the victim prior
 135 to making any decision to release any inmate on discretionary parole. The victim of a crime for which the
 136 prisoner is incarcerated may present to the Board oral, including by virtual means, or written testimony
 137 concerning the impact that the release of the prisoner will have on the victim, and the Board shall consider
 138 such testimony in its review. Once testimony is submitted by a victim, such testimony shall remain in the
 139 prisoner's parole file and shall be considered by the Board at every parole review. The victim of a crime for
 140 which the prisoner is incarcerated may submit a request in writing or by electronic means to the Board to be
 141 notified of (i) the prisoner's parole eligibility date and mandatory release date as determined by the
 142 Department of Corrections, (ii) any parole-related interview dates, and (iii) the Board's decision regarding
 143 parole for the prisoner. The victim may request that the Board only notify the victim if, following its review,
 144 the Board is inclined to grant parole to the prisoner, in which case the victim shall have 45 days to present
 145 written or oral testimony for the Board's consideration. If the victim has requested to be notified only if the
 146 Board is inclined to grant parole and no testimony, either written or oral, is received from the victim within at
 147 least 45 days of the date of the Board's notification, the Board shall render its decision based on information
 148 available to it in accordance with subsection A. The definition of victim in § 19.2-11.01 shall apply to this
 149 section.

150 Although any information presented by the victim of a crime for which the prisoner is incarcerated shall
 151 be retained in the prisoner's parole file and considered by the Board, such information shall not infringe on
 152 the Board's authority to exercise its decision-making authority.

153 C. Notwithstanding the provisions of subsection A, if a physical or mental examination of a prisoner
 154 eligible for parole has been conducted within the last 12 months, and the prisoner has not required medical or
 155 psychiatric treatment within a like period while incarcerated, the prisoner may be released on parole by the
 156 ~~Parole~~ Board directly from a local correctional facility.

157 The Department shall offer each prisoner to be released on parole or under mandatory release who has
 158 been sentenced to serve a term of imprisonment of at least three years the opportunity to participate in a
 159 transition program within six months of such prisoner's projected or mandatory release date. The program
 160 shall include advice for job training opportunities, recommendations for living a law-abiding life, and
 161 financial literacy information. The Secretary of Public Safety and Homeland Security shall prescribe
 162 guidelines to govern these programs.

163 **2. That the Virginia Parole Board (the Board) shall continue to supervise a person serving a period of**
 164 **postrelease supervision who was placed on postrelease supervision prior to July 1, 2025.**