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SENATE BILL NO. 1155
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Public Safety
on _____)

(Patron Prior to Substitute—Senator Obenshain)

A BILL to amend and reenact §§ 18.2-10, 19.2-295.2, 19.2-390, 53.1-134, 53.1-134.1, 53.1-136, 53.1-145, 53.1-155, 53.1-157, 53.1-161, 53.1-162, 53.1-164, and 53.1-165 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 Virginia Parole Board; voting requirements; meetings.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-10, 19.2-295.2, 19.2-390, 53.1-134, 53.1-134.1, 53.1-136, 53.1-145, 53.1-155, 53.1-157, 53.1-161, 53.1-162, 53.1-164, and 53.1-165 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 or not 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.

§ 18.2-10. Punishment for conviction of felony; penalty.

The authorized punishments for conviction of a felony are:

(a) For Class 1 felonies, imprisonment for life and, subject to subdivision (g), a fine of not more than \$100,000. Any person who was 18 years of age or older at the time of the offense and who is sentenced to imprisonment for life upon conviction of a Class 1 felony shall not be eligible for (i) parole, (ii) any good conduct allowance or any earned sentence credits under Chapter 6 (§ 53.1-186 et seq.) of Title 53.1, or (iii) conditional release pursuant to § 53.1-40.01 or 53.1-40.02.

(b) For Class 2 felonies, imprisonment for life or for any term not less than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.

(c) For Class 3 felonies, a term of imprisonment of not less than five years nor more than 20 years and, subject to subdivision (g), a fine of not more than \$100,000.

(d) For Class 4 felonies, a term of imprisonment of not less than two years nor more than 10 years and, subject to subdivision (g), a fine of not more than \$100,000.

(e) For Class 5 felonies, a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

(f) For Class 6 felonies, a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.

(g) Except as specifically authorized in subdivision (e) or (f), the court shall impose either a sentence of imprisonment together with a fine, or imprisonment only. However, if the defendant is not a natural person,

40 the court shall impose only a fine.

41 For any felony offense committed (i) on or after January 1, 1995, the court may, and (ii) on or after July 1,
42 2000, shall, except in cases in which the court orders a suspended term of confinement of at least six months,
43 impose an additional term of incarceration of not less than six months nor more than three years, which shall
44 be suspended conditioned upon successful completion of a period of ~~post-release supervision~~ *probation*
45 pursuant to § 19.2-295.2 and compliance with such other terms as the sentencing court may require.
46 However, such additional term may only be imposed when the sentence includes an active term of
47 incarceration in a correctional facility.

48 For a felony offense prohibiting proximity to children as described in subsection A of § 18.2-370.2, the
49 sentencing court is authorized to impose the punishment set forth in that section in addition to any other
50 penalty provided by law.

51 **§ 19.2-295.2. Probation of felons sentenced for offenses committed on and after January 1, 1995,**
52 **and on and after July 1, 2000.**

53 A. At the time the court imposes sentence upon a conviction for any felony offense committed (i) on or
54 after January 1, 1995, the court may, and (ii) on or after July 1, 2000, shall, in addition to any other
55 punishment imposed if such other punishment includes an active term of incarceration in a state or local
56 correctional facility, except in cases in which the court orders a suspended term of confinement of at least six
57 months, impose a term of incarceration, in addition to the active term, of not less than six months nor more
58 than three years, as the court may determine. Such additional term shall be suspended and the defendant shall
59 be ordered to be placed under ~~postrelease supervision~~ *probation pursuant to § 19.2-303* upon release from the
60 active term of incarceration. The period of ~~supervision~~ *probation* shall be established by the court; however,
61 such period shall not be less than six months nor more than three years. Periods of ~~postrelease supervision~~
62 *probation* imposed pursuant to this section upon more than one felony conviction may be ordered to run
63 concurrently. ~~Periods of postrelease supervision imposed pursuant to this section may be ordered to run~~
64 ~~concurrently with any period of probation the defendant may also be subject to serve.~~

65 B. The period of ~~postrelease supervision~~ shall be under the supervision and review of the Virginia Parole
66 Board. The Board shall review each felon prior to release and establish conditions of ~~postrelease supervision~~.
67 Failure to successfully abide by such terms and conditions shall be grounds to terminate *complete* the period
68 of ~~postrelease supervision~~ and recommit the defendant to the Department of Corrections or to the local
69 correctional facility from which he was previously released. ~~Procedures for any such termination and~~
70 ~~recommitment~~ *probation in accordance with this section* shall be conducted in the same manner as
71 ~~procedures for the subject to revocation of parole such probation pursuant to §§ 19.2-306 and 19.2-306.1.~~

72 C. ~~Postrelease supervision programs shall be operated through the probation and parole districts~~
73 ~~established pursuant to § 53.1-141.~~

74 ~~D.~~ Nothing in this section shall be construed to prohibit the court from exercising any authority otherwise
75 granted by law.

76 **§ 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace, clerks**
77 **of court, Secretary of the Commonwealth and Corrections officials to State Police; material submitted**
78 **by other agencies.**

79 A. 1. Every state official or agency having the power to arrest, the sheriffs of counties, the police officials
80 of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power
81 to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it,
82 of any arrest, including those arrests involving the taking into custody of, or service of process upon, any
83 person on charges resulting from an indictment, presentment or information, the arrest on *capias* or warrant
84 for failure to appear, and the service of a warrant for another jurisdiction, for each charge when any person is
85 arrested on any of the following charges:

86 a. Treason;

87 b. Any felony;

88 c. Any offense punishable as a misdemeanor under Title 54.1;

89 d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, or any similar
90 ordinance of any county, city or town, (ii) under § 20-61, or (iii) under § 16.1-253.2; or

91 e. Any offense in violation of § 3.2-6570, 4.1-309.1, 5.1-13, 15.2-1612, 22.1-289.041, 46.2-339,
92 46.2-341.21, 46.2-341.24, 46.2-341.26:3, 46.2-817, 58.1-3141, 58.1-4018.1, 60.2-632, or 63.2-1509.

93 The reports shall contain such information as is required by the Exchange and shall be accompanied by
94 fingerprints of the individual arrested for each charge. Effective January 1, 2006, the corresponding
95 photograph of the individual arrested shall accompany the report. Fingerprint cards prepared by a
96 law-enforcement agency for inclusion in a national criminal justice file shall be forwarded to the Exchange
97 for transmittal to the appropriate bureau. Nothing in this section shall preclude each local law-enforcement
98 agency from maintaining its own separate photographic database. Fingerprints and photographs required to
99 be taken pursuant to this subsection or subdivision A 3c of § 19.2-123 may be taken at the facility where the
100 magistrate is located, including a regional jail, even if the accused is not committed to jail.

101 Law-enforcement agencies and clerks of court shall only submit reports to the Central Criminal Records
102 Exchange only for those offenses enumerated in this subsection. Only reports received for those offenses
103 enumerated in this subsection shall be included in the Central Criminal Records Exchange.

104 2. For persons arrested and released on summonses in accordance with subsection B of § 19.2-73 or §
105 19.2-74, such report shall not be required until (i) a conviction is entered and no appeal is noted or if an
106 appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the
107 court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (iii) an acquittal
108 by reason of insanity pursuant to § 19.2-182.2 is entered. Upon such conviction or acquittal, the court shall
109 remand the individual to the custody of the office of the chief law-enforcement officer of the county or city. It
110 shall be the duty of the chief law-enforcement officer, or his designee who may be the arresting officer, to
111 ensure that such report is completed for each charge after a determination of guilt or acquittal by reason of
112 insanity. The court shall require the officer to complete the report immediately following the person's
113 conviction or acquittal, and the individual shall be discharged from custody forthwith, unless the court has
114 imposed a jail sentence to be served by him or ordered him committed to the custody of the Commissioner of
115 Behavioral Health and Developmental Services.

116 3. For persons arrested on a *capias* for any allegation of a violation of the terms or conditions of a
117 suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, a report
118 shall be made to the Central Criminal Records Exchange pursuant to subdivision 1. Upon finding such person
119 in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court
120 shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each
121 such offense and submitted to the Central Criminal Records Exchange.

122 4. For any person served with a show cause for any allegation of a violation of the terms or conditions of a
123 suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, such
124 report to the Central Criminal Records Exchange shall not be required until such person is found to be in
125 violation of the terms or conditions of a suspended sentence or probation for such felony offense. Upon
126 finding such person in violation of the terms or conditions of a suspended sentence or probation for such
127 felony offense, the court shall order that the fingerprints and photograph of such person be taken by a
128 law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

129 5. If the accused is in custody when an indictment or presentment is found or made, or information is
130 filed, and no process is awarded, the attorney for the Commonwealth shall so notify the court of such at the
131 time of first appearance for each indictment, presentment, or information for which a report is required upon
132 arrest pursuant to subdivision 1, and the court shall order that the fingerprints and photograph of the accused
133 be taken for each offense by a law-enforcement officer or by the agency that has custody of the accused at the
134 time of first appearance. The law-enforcement officer or agency taking the fingerprints and photograph shall
135 submit a report to the Central Criminal Records Exchange for each offense.

136 B. Within 72 hours following the receipt of (i) a warrant or *capias* for the arrest of any person on a charge
137 of a felony or (ii) a Governor's warrant of arrest of a person issued pursuant to § 19.2-92, the
138 law-enforcement agency which received the warrant shall enter the person's name and other appropriate

139 information required by the Department of State Police into the "information systems" known as the Virginia
 140 Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2
 141 (§ 52-12 et seq.) of Title 52 and the National Crime Information Center (NCIC), maintained by the Federal
 142 Bureau of Investigation. The report shall include the person's name, date of birth, social security number and
 143 such other known information which the State Police or Federal Bureau of Investigation may require. Where
 144 feasible and practical, the magistrate or court issuing the warrant or capias may transfer information
 145 electronically into VCIN. When the information is electronically transferred to VCIN, the court or magistrate
 146 shall forthwith forward the warrant or capias to the local police department or sheriff's office. When criminal
 147 process has been ordered destroyed pursuant to § 19.2-76.1, the law-enforcement agency destroying such
 148 process shall ensure the removal of any information relating to the destroyed criminal process from the VCIN
 149 and NCIC.

150 B1. Within 72 hours following the receipt of a written statement issued by a parole officer pursuant to §
 151 53.1-149 ~~or 53.1-162~~ authorizing the arrest of a person who has violated the provisions of his ~~post-release~~
 152 ~~supervision or probation~~, the law-enforcement agency that received the written statement shall enter, or cause
 153 to be entered, the person's name and other appropriate information required by the Department of State Police
 154 into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and
 155 maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52.

156 C. For offenses not charged on a summons in accordance with subsection B of § 19.2-73 or § 19.2-74, the
 157 clerk of each circuit court and district court shall make an electronic report to the Central Criminal Records
 158 Exchange of (i) any dismissal, including a dismissal pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2,
 159 indefinite postponement or continuance, charge still pending due to mental incompetency or incapacity,
 160 deferral, nolle prosequi, acquittal, or conviction of, including any sentence imposed, or failure of a grand jury
 161 to return a true bill as to, any person charged with an offense listed in subsection A, including any action that
 162 may have resulted from an indictment, presentment or information, or any finding that the person is in
 163 violation of the terms or conditions of a suspended sentence or probation for a felony offense and (ii) any
 164 adjudication of delinquency based upon an act that, if committed by an adult, would require fingerprints to be
 165 filed pursuant to subsection A. For offenses listed in subsection A and charged on a summons in accordance
 166 with subsection B of § 19.2-73 or § 19.2-74, such electronic report by the clerk of each circuit court and
 167 district court to the Central Criminal Records Exchange may be submitted but shall not be required until (a) a
 168 conviction is entered and no appeal is noted or, if an appeal is noted, the conviction is upheld upon appeal or
 169 the person convicted withdraws his appeal; (b) the court defers or dismisses the proceeding pursuant to §
 170 18.2-57.3, 18.2-251, or 19.2-303.2; or (c) an acquittal by reason of insanity pursuant to § 19.2-182.2 is
 171 entered. The clerk of each circuit court shall make an electronic report to the Central Criminal Records
 172 Exchange of any finding that a person charged on a summons is in violation of the terms or conditions of a
 173 suspended sentence or probation for a felony offense. Upon conviction of any person, including juveniles
 174 tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as adults or juveniles, for
 175 an offense for which registration is required as defined in § 9.1-902, the clerk shall within seven days of
 176 sentencing submit a report to the Sex Offender and Crimes Against Minors Registry. The report to the
 177 Registry shall include the name of the person convicted and all aliases that he is known to have used, the date
 178 and locality of the conviction for which registration is required, his date of birth, social security number, and
 179 last known address, and specific reference to the offense for which he was convicted. No report of conviction
 180 or adjudication in a district court shall be filed unless the period allowed for an appeal has elapsed and no
 181 appeal has been perfected. In the event that the records in the office of any clerk show that any conviction or
 182 adjudication has been nullified in any manner, he shall also make a report of that fact to the Exchange and, if
 183 appropriate, to the Registry. In addition, each clerk of a circuit court, upon receipt of certification thereof
 184 from the Supreme Court, shall report to the Exchange or the Registry, or to the law-enforcement agency
 185 making the arrest in the case of offenses not required to be reported to the Exchange, on forms provided by
 186 the Exchange or Registry, as the case may be, any reversal or other amendment to a prior sentence or
 187 disposition previously reported. When criminal process is ordered destroyed pursuant to § 19.2-76.1, the
 188 clerk shall report such action to the law-enforcement agency that entered the warrant or capias into the VCIN.

189 D. In addition to those offenses enumerated in subsection A, the Central Criminal Records Exchange may
 190 receive, classify, and file any other fingerprints, photographs, and records of confinement submitted to it by
 191 any correctional institution or the Department of Corrections. Unless otherwise prohibited by law, any such
 192 fingerprints, photographs, and records received by the Central Criminal Records Exchange from any
 193 correctional institution or the Department of Corrections may be classified and filed as criminal history

194 record information.

195 E. Corrections officials, sheriffs, and jail superintendents of regional jails, responsible for maintaining
196 correctional status information, as required by the regulations of the Department of Criminal Justice Services,
197 with respect to individuals about whom reports have been made under the provisions of this chapter shall
198 make reports of changes in correctional status information to the Central Criminal Records Exchange. The
199 reports to the Exchange shall include any commitment to or release or escape from a state or local
200 correctional facility, including commitment to or release from a parole or probation agency.

201 F. Any pardon, reprieve or executive commutation of sentence by the Governor shall be reported to the
202 Exchange by the office of the Secretary of the Commonwealth.

203 G. Officials responsible for reporting disposition of charges, and correctional changes of status of
204 individuals under this section, including those reports made to the Registry, shall adopt procedures
205 reasonably designed at a minimum (i) to ensure that such reports are accurately made as soon as feasible by
206 the most expeditious means and in no instance later than 30 days after occurrence of the disposition or
207 correctional change of status and (ii) to report promptly any correction, deletion, or revision of the
208 information.

209 H. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records
210 Exchange shall notify all criminal justice agencies known to have previously received the information.

211 I. As used in this section:

212 "Chief law-enforcement officer" means the chief of police of cities and towns and sheriffs of counties,
213 unless a political subdivision has otherwise designated its chief law-enforcement officer by appropriate
214 resolution or ordinance, in which case the local designation shall be controlling.

215 "Electronic report" means a report transmitted to, or otherwise forwarded to, the Central Criminal Records
216 Exchange in an electronic format approved by the Exchange. The report shall contain the name of the person
217 convicted and all aliases which he is known to have used, the date and locality of the conviction, his date of
218 birth, social security number, last known address, and specific reference to the offense including the Virginia
219 Code section and any subsection, the Virginia crime code for the offense, and the offense tracking number for
220 the offense for which he was convicted.

221 **§ 53.1-134. Virginia Parole Board; appointment of members.**

222 There shall be a *Virginia Parole Board* which (*the Board*) that shall consist of ~~up to five~~ 10 members, *five*
223 *of whom shall be appointed by the Governor, three of whom shall be appointed by the Speaker of the House*
224 *of Delegates, and two of whom shall be appointed by the Chairman of the Senate Committee on Rules, and all*

225 of whom shall be subject to confirmation by the General Assembly, if in session when such appointment is
226 made, and if not in session, then at its next succeeding session. At least one member of the Parole Board shall
227 be a representative of a crime victims' organization or a victim of crime as defined in subsection B of §
228 19.2-11.01. When a vacancy on the Board occurs, the appropriate appointing authority shall appoint a
229 member to fill such vacancy within 60 days.

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

231 **§ 53.1-134.1. Board decisions; voting requirements.**

232 ~~Notwithstanding any other provision of law or regulation, if the Parole Board adopts a rule or regulation~~
233 ~~requiring the concurrence~~ *In the case of a person serving life imprisonment, the final deliberation and vote of*
234 *whether or not to grant such person parole shall be attended by a panel of four or more members of the*
235 *Parole Board to grant discretionary parole or conditional release, in the event that there are less than four*
236 *members but at least. In all other cases, the final deliberation and vote shall be attended by a panel of no*
237 *fewer than three members on of the Parole Board; then such requirement shall be satisfied upon a unanimous*
238 *vote of all members on the Parole. The Board shall promulgate rules to ensure that such members are*
239 *randomly assigned to panels and to serve on an equal number of panels, as is reasonably possible.*

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

244 **§ 53.1-136. Powers and duties of Board; notice of release of certain inmates; report.**

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

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

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

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

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

259 ~~e.~~ Notify the Department of Corrections of its decision to grant discretionary parole or conditional release
260 to an inmate. The Department of Corrections shall set the release date for such inmate no sooner than 30
261 business days from the date that the Department of Corrections receives such notification from the Chairman
262 of the Board, except that the Department of Corrections may set an earlier release date in the case of an
263 inmate granted conditional release pursuant to § 53.1-40.02. In the case of an inmate granted parole who was
264 convicted of a felony and sentenced to a term of 10 or more years, or an inmate granted conditional release,
265 the Board shall notify the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced
266 (i) by electronic means at least 21 business days prior to such inmate's release that such inmate has been
267 granted discretionary parole or conditional release pursuant to § 53.1-40.01 or 53.1-40.02 or (ii) by telephone
268 or other electronic means prior to such inmate's release that such inmate has been granted conditional release
269 pursuant to § 53.1-40.02 where death is imminent. Nothing in this section shall be construed to alter the
270 obligations of the Board under § 53.1-155 for investigation prior to release on discretionary parole;

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

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

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

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

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

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

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

311 10. Convene a public meeting, either in person or via video conference, when conducting the final
312 deliberation and vote regarding whether *or not* the Board will grant parole to a prisoner. The prisoner being
313 considered for parole or his attorney shall be permitted to attend such meeting either, in the Board's

314 discretion, in person or via video conference. The victim shall be permitted to attend and participate in such
 315 meeting either, in the Board's discretion, in person or via video or phone conference or to provide written or
 316 recorded testimony. No decision to grant discretionary parole shall be made by the Board unless such
 317 decision was discussed and debated at a meeting at which a ~~majority~~ *no fewer than three* of the Board
 318 members were present. Whether the Board grants or denies discretionary parole to an inmate, each Board
 319 member shall identify his reasoning for such decision at the time such member's vote is cast.

320 **§ 53.1-145. Powers and duties of probation and parole officers.**

321 In addition to other powers and duties prescribed by this article, each probation and parole officer shall:

322 1. Investigate and report on any case pending in any court or before any judge in his jurisdiction referred

323 to him by the court or judge;

324 2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and
 325 when available resources permit, placement of such persons in a substance abuse treatment program which
 326 may include utilization of acupuncture and other treatment modalities, and furnish every such person with a
 327 written statement of the conditions of his probation and instruct him therein; if any such person has been
 328 committed to the Department of Behavioral Health and Developmental Services under the provisions of
 329 Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include the requirement that the
 330 person comply with all conditions given him by the Department of Behavioral Health and Developmental
 331 Services, and that he follow all of the terms of his treatment plan;

332 3. Supervise and assist all persons within his territory released on parole ~~or postrelease supervision~~,
 333 secure, as appropriate and when available resources permit, placement of such persons in a substance abuse
 334 treatment program which may include utilization of acupuncture and other treatment modalities, and, in his
 335 discretion, assist any person within his territory who has completed his parole; ~~postrelease supervision~~, or has
 336 been mandatorily released from any correctional facility in the Commonwealth and requests assistance in
 337 finding a place to live, finding employment, or in otherwise becoming adjusted to the community;

338 4. Arrest and recommit to the place of confinement from which he was released, or in which he would
 339 have been confined but for the suspension of his sentence or of its imposition, for violation of the terms of
 340 probation; ~~post-release supervision pursuant to § 19.2-295.2~~ or parole, any probationer, person subject to
 341 post-release supervision or parolee under his supervision, or as directed by the Chairman, Board member or
 342 the court, pending a hearing by the Board or the court, as the case may be;

343 5. Keep such records, make such reports, and perform other duties as may be required of him by the
 344 Director and the court or judge by whom he was authorized;

345 6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer; ~~person subject~~
 346 ~~to post-release supervision pursuant to § 19.2-295.2~~ or parolee under his supervision who the officer has
 347 reason to believe is engaged in the illegal use of controlled substances or marijuana, or the abuse of alcohol.
 348 The cost of the test may be charged to the person under supervision. Regulations governing the officer's
 349 exercise of this authority shall be promulgated by the Director;

350 7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the
 351 Director and upon the certification of appropriate training and specific authorization by a judge of a circuit
 352 court;

353 8. Provide services in accordance with any contract entered into between the Department of Corrections
 354 and the Department of Behavioral Health and Developmental Services pursuant to § 37.2-912;

355 9. Pursuant to any contract entered into between the Department of Corrections and the Department of
 356 Behavioral Health and Developmental Services, probation and parole officers shall have the power to provide
 357 intensive supervision services to persons placed on conditional release, regardless of whether the person has
 358 any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et seq.);

359 10. Determine by reviewing the Department of Forensic Science DNA data bank sample tracking system
 360 upon intake and again prior to release whether a blood, saliva, or tissue sample is stored in the data bank for
 361 each person placed on probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et
 362 seq.) of Chapter 18 of Title 19.2 and, if a person's sample is not stored in the data bank, require the person
 363 placed on probation or parole to submit a sample for DNA analysis;

364 11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders
 365 (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia, would require the
 366 offender to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2, take a

367 sample or verify that a sample has been taken and accepted into the data bank for DNA analysis in the
368 Commonwealth;

369 12. Monitor the collection and payment of restitution to the victims of crime for offenders placed on
370 supervised probation;

371 13. Prior to the release from supervision of any offender on probation as of July 1, 2019, review the
372 criminal history record of the offender at least 60 days prior to release from supervision, or immediately if the
373 offender is scheduled to be released from supervision within less than 60 days, to determine whether all
374 offenses for which the offender is being supervised appear on such record and, if any such offense that is
375 required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390 does not appear, (i)
376 take and provide fingerprints and a photograph of the offender to the Central Criminal Records Exchange to
377 be classified and filed as part of the criminal history record information pursuant to subsection D of §
378 19.2-390 and (ii) provide written or electronic notification to the Central Criminal Records Exchange within
379 the Department of State Police that such offense does not appear on the offender's criminal history record;
380 and

381 14. Upon intake of any offender on or after July 1, 2019, (i) take and provide fingerprints and a
382 photograph of the offender to the Central Criminal Records Exchange to be classified and filed as part of the
383 criminal history record information pursuant to subsection D of § 19.2-390, (ii) review the criminal history
384 record of the offender to determine whether all offenses for which the offender is being supervised appear on
385 such record, and (iii) if any such offense that is required to be reported to the Central Criminal Records
386 Exchange pursuant to § 19.2-390 does not appear, provide written or electronic notification to the Central
387 Criminal Records Exchange within the Department of State Police that such offense does not appear on the
388 offender's criminal history record.

389 Nothing in this article shall require probation and parole officers to investigate or supervise cases before
390 general district or juvenile and domestic relations district courts.

391 **§ 53.1-155. Investigation prior to release; transition assistance.**

392 A. No person shall be released on parole by the Board until a thorough investigation has been made into
393 the prisoner's history, physical and mental condition and character, and his conduct, employment, and attitude
394 while in prison. ~~At least 30 days prior to the Board's final deliberation and vote regarding whether or not~~
395 ~~to grant a prisoner discretionary parole, the Board shall provide a true copy of all~~ information collected
396 through such investigation ~~shall be made available~~ to the prisoner or his attorney, provided that (i) neither the
397 prisoner nor his attorney shall *willfully or intentionally* further disclose, reproduce, copy, or disseminate such
398 information in any way and (ii) the Board shall redact all personal information of the victim. *Such true copy*
399 *of information may be provided electronically or in paper form.* The Board shall also determine that his
400 release on parole will not be incompatible with the interests of society or of the prisoner. The provisions of
401 this section shall not be applicable to persons released on parole pursuant to § 53.1-159.

402 B. An investigation conducted pursuant to this section shall include notification that a victim may submit
403 to the ~~Virginia Parole~~ Board evidence concerning the impact that the release of the prisoner will have on such
404 victim. This notification shall be sent to the last address provided to the Board by any victim of a crime for
405 which the prisoner was incarcerated. If additional victim research is necessary, electronic notification shall be
406 sent to the attorney for the Commonwealth and the director of the victim/witness program, if one exists, of
407 the jurisdiction in which the offense occurred. The Board shall endeavor diligently to contact the victim prior
408 to making any decision to release any inmate on discretionary parole. The victim of a crime for which the
409 prisoner is incarcerated may present to the Board oral, including by virtual means, or written testimony
410 concerning the impact that the release of the prisoner will have on the victim, and the Board shall consider
411 such testimony in its review. Once testimony is submitted by a victim, such testimony shall remain in the
412 prisoner's parole file and shall be considered by the Board at every parole review. The victim of a crime for
413 which the prisoner is incarcerated may submit a request in writing or by electronic means to the Board to be
414 notified of (i) the prisoner's parole eligibility date and mandatory release date as determined by the
415 Department of Corrections, (ii) any parole-related interview dates, and (iii) the Board's decision regarding
416 parole for the prisoner. The victim may request that the Board only notify the victim if, following its review,
417 the Board is inclined to grant parole to the prisoner, in which case the victim shall have 45 days to present
418 written or oral testimony for the Board's consideration. If the victim has requested to be notified only if the
419 Board is inclined to grant parole and no testimony, either written or oral, is received from the victim within at
420 least 45 days of the date of the Board's notification, the Board shall render its decision based on information
421 available to it in accordance with subsection A. The definition of victim in § 19.2-11.01 shall apply to this
422 section.

423 Although any information presented by the victim of a crime for which the prisoner is incarcerated shall

424 be retained in the prisoner's parole file and considered by the Board, such information shall not infringe on
425 the Board's authority to exercise its decision-making authority.

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

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

436 **§ 53.1-157. Parolees to comply with terms; furnishing copies.**

437 Each parolee ~~or felon serving a period of postrelease supervision~~ while on parole ~~or period of postrelease~~
438 ~~supervision~~ shall comply with such terms and conditions as may be prescribed by the Board. When any
439 prisoner is released on parole ~~or postrelease period of supervision~~, the Board shall furnish the parolee and the
440 probation and parole officer having supervision of the parolee ~~or felon serving a period of postrelease~~
441 ~~supervision~~ a copy of the terms and conditions of the parole ~~or postrelease period of supervision~~ and any
442 changes ~~which~~ *that* may from time to time be made therein.

443 **§ 53.1-161. Arrest and return of parolee; warrant; release pending adjudication of violation.**

444 ~~A.~~ The Chairman or any member of the Board may at any time upon information or a showing of a
445 violation or a probable violation by any parolee of any of the terms or conditions upon which he was released
446 on parole issue, or cause to be issued, a warrant for the arrest and return of the parolee to the institution from
447 which he was paroled, or to any other correctional facility that may be designated by the Chairman or
448 member. However, a determination of whether a parolee returned to a correctional facility pursuant to this
449 subsection shall be returned to a state or local correctional facility shall be made based on the length of the
450 parolee's original sentence as set forth in § 53.1-20. Each such warrant shall authorize all officers named
451 therein to arrest and return the parolee to actual custody in the facility from which he was paroled, or to any
452 other facility designated by the Chairman or member.

453 In any case in which the parolee is charged with the violation of any law, the violation of which caused
454 the issuance of such warrant, upon request of the parolee or his attorney, the Chairman or member shall as
455 soon as practicable consider all the circumstances surrounding the allegations of such violation, including the
456 probability of conviction thereof, and may, after such consideration, release the parolee, pending adjudication
457 of the violation charged.

458 ~~B.~~ Upon information ~~or a showing of a violation or a probable violation by any felon serving a period of~~
459 ~~postrelease supervision of any of the terms or conditions upon which he was released on a postrelease period~~
460 ~~of supervision~~, the circuit court of the sentencing jurisdiction may issue, or cause to be issued, a warrant for
461 the arrest and return of the felon serving a period of postrelease supervision to the institution from which he
462 was released, or to any other correctional facility that may be designated by the circuit court. However, a
463 determination of whether a felon serving a period of postrelease supervision returned to a correctional facility
464 pursuant to this subsection shall be returned to a state or local correctional facility shall be made based on the
465 length of the period of postrelease supervision as set at sentencing. Each such warrant shall authorize all
466 officers named therein to arrest and return the felon to actual custody in the facility from which he was
467 released, or to any other facility designated by the circuit court.

468 In any case in which the felon serving a period of postrelease supervision is charged with the violation of
469 any law, the violation of which caused the issuance of such warrant, upon request of the felon or his attorney,
470 the circuit court of the sentencing jurisdiction shall as soon as practicable consider all the circumstances

471 surrounding the allegations of such violation, including the probability of conviction thereof, and may, after
472 such consideration, release the felon, pending adjudication of the violation charged.

473 **§ 53.1-162. Arrest of parolee without warrant; written statement.**

474 Any probation and parole officer may arrest a parolee ~~or felon serving a period of postrelease supervision~~
475 without a warrant or may deputize any other officer with power of arrest to do so by a written statement
476 setting forth that the parolee ~~or felon serving a period of postrelease supervision~~ has, in the judgment of the
477 probation and parole officer, violated one or more of the terms or conditions of his parole ~~or postrelease~~
478 ~~period of supervision~~. Such a written statement by a probation and parole officer delivered to the officer in
479 charge of any state or local correctional facility shall be sufficient warrant for the detention of the parolee ~~or~~
480 ~~felon serving a period of postrelease supervision~~. Any officer deputized upon receipt of the written statement
481 shall, in accordance with § 19.2-390, enter, or cause to be entered, the person's name and other appropriate
482 information required by the Department of State Police into the "information systems" known as the Virginia
483 Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2
484 (§ 52-12 et seq.) of Title 52. Such information shall be deemed a warrant authorizing the arrest of the person
485 anywhere in the Commonwealth.

486 **§ 53.1-164. Procedure for return of parolee.**

487 When any parolee ~~or felon serving a period of postrelease supervision~~ is returned to any facility in
488 accordance with the provisions of § 53.1-161, he shall be held in accordance with rules of the Director and
489 subject to further action of the Parole Board. The officer in charge of the facility shall see that the Parole
490 Board is notified promptly of each such parolee's ~~or felon's~~ return.

491 **§ 53.1-165. Revocation of parole; hearing; procedure for parolee in another state; appointment of**
492 **attorney.**

493 A. Whenever any parolee ~~or felon serving a period of postrelease supervision~~ is arrested and recommitted
494 as provided herein, a preliminary hearing to determine probable cause that such parolee has violated one or
495 more of the terms or conditions upon which he was released on parole ~~or postrelease period of supervision~~
496 shall be held by any hearing officer who has been designated as such by the Director of the Department to
497 conduct such hearings. However, if a nolle prosequi is to be entered in a case where a parole violation is
498 alleged, no preliminary hearing shall be required.

499 Upon request of the hearing officer, the attorney for the Commonwealth of the jurisdiction within which
500 such hearings are to be held shall request the circuit court of such jurisdiction to appoint one or more discreet
501 attorneys-at-law to represent parolees in any proceedings held before him. Each attorney so appointed shall
502 be available to serve upon request of the hearing officer. The term of each attorney's appointment shall
503 continue until such time as a successor may be appointed. A hearing officer shall be authorized to issue
504 subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other
505 documents before him and to administer oaths and to take testimony thereunder.

506 Upon a finding of probable cause by the hearing officer, the Board or its authorized representative shall
507 conduct a hearing, consider the case and act with reference thereto within a reasonable time thereafter. Upon
508 request of the Board, the attorney for the Commonwealth of the jurisdiction within which such hearings are to
509 be held shall request the circuit court of that jurisdiction to appoint one or more discreet attorneys-at-law to
510 represent parolees in proceedings held or to be held before the Board. Each attorney shall be available to
511 serve upon request of the Board. The term of each attorney's appointment shall continue until such time as a
512 successor may be appointed. The Board, in its discretion, may revoke the parole and order the reincarceration
513 of the prisoner for the unserved portion of the term of imprisonment originally imposed upon him, or it may
514 reinstate the parole either upon such terms and conditions as were originally prescribed, or as may be

515 prescribed in addition thereto or in lieu thereof. When a parole violation is based on a new felony conviction
516 for which the individual has been sentenced to two or more years, excluding any time of said sentence which
517 has been suspended, any individual Board member, so authorized by the Board, may after such hearing
518 revoke the individual's parole as otherwise provided herein.

519 Upon revocation of parole for any felony offense, the Board or its authorized representative shall order
520 that the Department of Corrections take fingerprints and a photograph of the person for each offense and
521 transmit such information to the Central Criminal Records Exchange pursuant to subsection D of § 19.2-390.

522 B. In cases in which a parolee or felon serving a period of postrelease supervision is in another state, any
523 hearing officer who has been designated as such by the Director of the Department may be sent to that state
524 to conduct a preliminary hearing to determine probable cause that the parolee has violated one or more of the
525 terms and conditions upon which he was released upon parole.

526 C. Any attorney-at-law appointed pursuant to this section shall be paid as directed by the court making the
527 appointment, from funds appropriated for court costs and expenses, reasonable compensation on an hourly
528 basis and necessary expenses, based upon a report to be furnished to it by such attorney. In the event an
529 attorney-at-law is appointed in another state, he shall be paid out of funds appropriated to the Department.

530 **2. That the Virginia Parole Board (the Board) shall (i) notify any person serving a period of postrelease**
531 **supervision under the Board's supervision as of July 1, 2026, that the duration of such person's**
532 **postrelease supervision shall be moved to the supervision of probation and (ii) provide information on**
533 **how such person should report to the appropriate probation officer. Any failure of such person serving**
534 **a period of postrelease supervision shall be subject to revocation of a suspended sentence pursuant to**
535 **§§ 19.2-306 and 19.2-306.1 of the Code of Virginia and the procedures for such revocation shall be**
536 **conducted in the same manner as the procedures for revocation of probation.**

537 **3. That any rules adopted by the Virginia Parole Board in accordance with the provisions of § 53.1-136**
538 **of the Code of Virginia, as amended by this act, shall be approved by the Governor by January 1, 2027.**

539 **4. That the provisions of this act shall become effective on July 1, 2026.**