

VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

CHAPTER 12

An Act to amend and reenact § 53.1-231 of the Code of Virginia, relating to Virginia Parole Board; investigation of cases for executive clemency.

[H 1692]

Approved March 18, 2025

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-231 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-231. Investigation of cases for executive clemency by Parole Board.

A. The Virginia Parole Board shall, at the request of the Governor, investigate and report to the Governor on cases in which executive clemency is sought. In any other case in which it believes action on the part of the Governor is proper or in the best interest of the Commonwealth, the Board may investigate and report to the Governor with its recommendations.

B. Upon request by the Virginia Parole Board related to an investigation and report conducted pursuant to this section and except to the extent otherwise permitted by law, all public bodies engaged in criminal law-enforcement activities shall provide copies of the following records:

1. Unredacted criminal investigative files, defined as any documents and information including complaints, court orders, memoranda, notes, incident reports, officers' field summary reports, diagrams, maps, photographs, video recordings, audio recordings, correspondence, narrative reports, witness statements, victim statements, the identification of witnesses and victims and their personal identifying information, prosecution files, photo lineups, and evidence relating to a criminal investigation or prosecution regardless of the juvenile status of the victim, witness, or suspect;

2. An attorney for the Commonwealth's prosecution files;

3. Records of any call for service or other communication to an emergency 911 system or communication with any other equivalent reporting system;

4. Adult and juvenile arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure;

5. Information relative to the identity of any individual, to include a juvenile and his personal identifying information, who is arrested and charged, and the status of the charge or arrest; and

6. Sealed presentence investigation reports.

C. Notwithstanding any other provision of law, records of any general district court, juvenile and domestic relations district court, or circuit court and the Department of Forensic Science shall be subject to the provisions of this section.

D. Records requested from any public body engaged in criminal law-enforcement activities, including any court or state or local government agency, pursuant to this section shall be provided to the Virginia Parole Board at no cost.

E. The public body must respond to a request for records made pursuant to this section within 30 working days of receiving the request. If it is not practically possible to provide the requested records or to determine whether they are available within 30 days, such response shall specify the conditions that make a response impossible and the amount of additional time needed to satisfy the request.

F. Records obtained pursuant to the provisions of this section shall be excluded from mandatory public disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) as working papers and correspondence of the Office of the Governor pursuant to subdivision 2 of § 2.2-3705.7.