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HOUSE BILL NO. 1589
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Governor
 on March 24, 2025)

(Patron Prior to Substitute—Delegate Williams)

A BILL to amend and reenact §§ 19.2-295.2, 53.1-134, 53.1-134.1, 53.1-136, 53.1-149, 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 §§ 19.2-295.2, 53.1-134, 53.1-134.1, 53.1-136, 53.1-149, 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 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.

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

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

B. The period of ~~postrelease supervision~~ shall be under the ~~supervision~~ *jurisdiction* and review of the ~~Virginia Parole Board. The Board shall review each felon prior to release and establish conditions of circuit court that imposed the term of postrelease supervision. Failure to successfully abide by such terms and conditions shall be grounds to terminate the~~ *At the time of the original imposition of any period of postrelease supervision and recommit the defendant to the Department of Corrections or to the local correctional facility from which he was previously released. Procedures for any such termination and recommitment shall be conducted in the same manner as procedures for the revocation of parole, the sentencing judge shall require the felon serving the period of postrelease supervision to comply with such terms and conditions as may be prescribed by the circuit court, probation officer, and parole officer and to report to the probation and parole office of the judicial circuit in which the term of postrelease supervision was imposed to sign applicable conditions of postrelease supervision within 24 hours of the felon's release from incarceration.*

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

D. Upon information or a showing of a violation or probable violation by any felon serving a period of ~~postrelease supervision of any of the terms or conditions upon which he was released on such period of postrelease supervision, the circuit court of the sentencing jurisdiction may issue or cause to be issued a warrant for the arrest and return of such felon to the facility from which such felon was released or to any other correctional facility that may be designated by the circuit court pending final adjudication of the violation.~~

E. ~~Failure to successfully abide by the terms and conditions of postrelease supervision shall be grounds to terminate the period of postrelease supervision and recommit the defendant to the Department of Corrections or to a local correctional facility. Procedures for any such termination shall be conducted in a manner consistent with a revocation hearing under § 19.2-306. After a hearing, if the circuit court finds good cause to believe that the defendant has violated the terms of suspension of the additional period of incarceration imposed pursuant to subsection A, the circuit court may revoke the suspended postrelease term and again suspend any or all of such additional period of incarceration for a period up to the full term of the postrelease supervision originally imposed and may impose upon the defendant terms and conditions of~~

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60 *postrelease supervision in accordance with subsection B.*

61 *F. Nothing in this section shall be construed to prohibit the court from exercising any authority otherwise*
62 *granted by law.*

63 **§ 53.1-134. Virginia Parole Board; appointment of members.**

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

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

71 **§ 53.1-134.1. Board decisions; voting requirements.**

72 *A decision to grant discretionary parole shall require the concurrence of a majority of members present*
73 *for the final deliberation and vote, except that in cases of a person serving life imprisonment for murder of*
74 *the first degree pursuant to § 18.2-32, a decision to grant discretionary parole shall require the concurrence*
75 *of four or more of the members present for the final deliberation and vote.*

76 **§ 53.1-136. Powers and duties of Board; notice of release of certain inmates; report.**

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

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

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

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

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

91 e. Notify the Department of Corrections of its decision to grant discretionary parole or conditional release
92 to an inmate. The Department of Corrections shall set the release date for such inmate no sooner than 30
93 business days from the date that the Department of Corrections receives such notification from the Chairman
94 of the Board, except that the Department of Corrections may set an earlier release date in the case of an
95 inmate granted conditional release pursuant to § 53.1-40.02. In the case of an inmate granted parole who was
96 convicted of a felony and sentenced to a term of 10 or more years, or an inmate granted conditional release,
97 the Board shall notify the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced
98 (i) by electronic means at least 21 business days prior to such inmate's release that such inmate has been
99 granted discretionary parole or conditional release pursuant to § 53.1-40.01 or 53.1-40.02 or (ii) by telephone
100 or other electronic means prior to such inmate's release that such inmate has been granted conditional release
101 pursuant to § 53.1-40.02 where death is imminent. Nothing in this section shall be construed to alter the
102 obligations of the Board under § 53.1-155 for investigation prior to release on discretionary parole;

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

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

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

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

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

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

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

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

§ 53.1-149. Arrest of probationer or felon serving a period of postrelease supervision without warrant; written statement.

Any probation officer appointed pursuant to this chapter may arrest a probationer *or felon serving a period of postrelease supervision* without a warrant, or may deputize any other officer with power to arrest to do so, by a written statement setting forth that the probationer *or felon serving a period of postrelease supervision* has, in the judgment of the probation officer, violated one or more of the terms or conditions upon which the probationer *or felon serving a period of postrelease supervision* was released on probation *or postrelease supervision*. Such a written statement by a probation officer delivered to the officer in charge of any local jail or lockup shall be sufficient warrant for the detention of the probationer *or felon serving a period of postrelease supervision*. Any officer deputized upon receipt of the written statement shall, in accordance with § 19.2-390, enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Such information shall be deemed a warrant authorizing the arrest of the person anywhere in the Commonwealth.

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

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

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

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

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

189 ~~B. Upon information or a showing of a violation or a probable violation by any felon serving a period of~~
190 ~~postrelease supervision of any of the terms or conditions upon which he was released on a postrelease period~~
191 ~~of supervision, the circuit court of the sentencing jurisdiction may issue, or cause to be issued, a warrant for~~
192 ~~the arrest and return of the felon serving a period of postrelease supervision to the institution from which he~~
193 ~~was released, or to any other correctional facility that may be designated by the circuit court. However, a~~
194 ~~determination of whether a felon serving a period of postrelease supervision returned to a correctional facility~~
195 ~~pursuant to this subsection shall be returned to a state or local correctional facility shall be made based on the~~
196 ~~length of the period of postrelease supervision as set at sentencing. Each such warrant shall authorize all~~
197 ~~officers named therein to arrest and return the felon to actual custody in the facility from which he was~~
198 ~~released, or to any other facility designated by the circuit court.~~

199 In any case in which the felon serving a period of postrelease supervision is charged with the violation of
200 any law, the violation of which caused the issuance of such warrant, upon request of the felon or his attorney,
201 the circuit court of the sentencing jurisdiction shall as soon as practicable consider all the circumstances
202 surrounding the allegations of such violation, including the probability of conviction thereof, and may, after
203 such consideration, release the felon, pending adjudication of the violation charged.

204 **§ 53.1-162. Arrest of parolee without warrant; written statement.**

205 Any probation and parole officer may arrest a parolee ~~or felon serving a period of postrelease supervision~~
206 without a warrant or may deputize any other officer with power of arrest to do so by a written statement
207 setting forth that the parolee ~~or felon serving a period of postrelease supervision~~ has, in the judgment of the
208 probation and parole officer, violated one or more of the terms or conditions of his parole ~~or postrelease~~
209 ~~period of supervision~~. Such a written statement by a probation and parole officer delivered to the officer in
210 charge of any state or local correctional facility shall be sufficient warrant for the detention of the parolee ~~or~~
211 ~~felon serving a period of postrelease supervision~~. Any officer deputized upon receipt of the written statement
212 shall, in accordance with § 19.2-390, enter, or cause to be entered, the person's name and other appropriate
213 information required by the Department of State Police into the "information systems" known as the Virginia
214 Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2
215 (§ 52-12 et seq.) of Title 52. Such information shall be deemed a warrant authorizing the arrest of the person
216 anywhere in the Commonwealth.

217 **§ 53.1-164. Procedure for return of parolee.**

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

222 **§ 53.1-165. Revocation of parole; hearing; procedure for parolee in another state; appointment of**
223 **attorney.**

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

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

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

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

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

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

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