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INTRODUCED

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A BILL to amend and reenact §§ 2.2-3707.02, 53.1-134, 53.1-136, and 53.1-155 of the Code of Virginia,
relating to Virginia Parole Board; membership; appointment of members; powers and duties.

7 Patron—Williams

8 Committee Referral Pending

9
10 Be it enacted by the General Assembly of Virginia:

11 1. That §§ 2.2-3707.02, 53.1-134, 53.1-136, and 53.1-155 of the Code of Virginia are amended and
12 reenacted as follows:

13 § 2.2-3707.02. Meetings of Virginia Parole Board.

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

18 § 53.1-134. Virginia Parole Board; appointment of members.

19 A. There shall be a Virginia Parole Board (the Board) that shall consist of up to five no less than 10
20 members, five of whom shall be appointed by the Governor no later than 60 days after the Governor's
21 inauguration, three of whom shall be appointed by the Speaker of the House of Delegates no earlier than
22 December 1 but no later than December 31 of the second year following the last gubernatorial election, and
23 two of whom shall be appointed by the Senate Committee on Rules no earlier than December 1 but no later
24 than December 31 of the second year following the last gubernatorial election, and all of whom shall be
25 subject to confirmation by the General Assembly, if in session when such appointment is made, and if not in
26 session, then at its next succeeding session. At least one member of the Board shall be a All members of the
27 Board shall have significant professional experience working in criminal law, corrections, reentry and
28 community services, or victim services.

29 B. The Board members appointed by the Governor shall be composed of at least one each of the
30 following:

31 1. A competent attorney-at-law with significant experience in criminal prosecution;

32 2. A competent attorney-at-law with significant experience in criminal defense;

33 3. A qualified mental health professional with a relevant background in adolescent development and
34 psychology and the impact of trauma or traumatic events on a person's behavior, responses, or decision-
35 making, as well as experience providing mental health services to incarcerated persons in state, local, or
36 regional correctional facilities; and

37 4. A representative of a crime victims' organization or a victim of crime as defined in subsection B of
38 § 19.2-11.01.

39 The term of each member of the Board shall be four years.

40 C. When a vacancy on the Board occurs, the Governor appropriate appointing authority shall appoint a
41 member to fill such vacancy within 60 days.

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

43 § 53.1-136. Powers and duties of Board; notice of release of certain inmates; report.

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

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

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

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

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

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

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

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

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

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

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

103 9. Ensure that each person eligible for parole receives a timely and thorough review of his suitability for
104 release on parole, including a review of any relevant post-sentencing information. If parole is denied, the
105 basis for the denial of parole shall be in writing and shall give specific, individualized reasons for such denial
106 to such inmate. *In addition, the writing provided to such inmate whose parole has been denied shall contain
107 specific steps that such inmate may take to demonstrate commitment to rehabilitation;* and

108 10. Convene a public meeting, either in person or via video conference, when conducting the final
109 deliberation and vote regarding whether *or not* 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 no fewer than three of the Board members were
115 present. Whether the Board grants or denies discretionary parole to an inmate, each Board member shall
116 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 or not*

121 *to grant parole to a prisoner, the Board shall provide a true copy of all information collected through such*
122 ~~investigation shall be made available~~ *to the prisoner or, his attorney, or another person whom the prisoner*
123 *has designated to receive such information, provided that (i) neither the prisoner nor, his attorney, or such*
124 *other designated person shall not willfully or intentionally further disclose, reproduce, copy, or disseminate*
125 *such information in any way and (ii) the Board shall redact all personal information of the victim. Such true*
126 *copy of information may be provided electronically or in paper form. The Board shall also determine that his*
127 *release on parole will not be incompatible with the interests of society or of the prisoner. The provisions of*
128 *this section shall not be 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.