



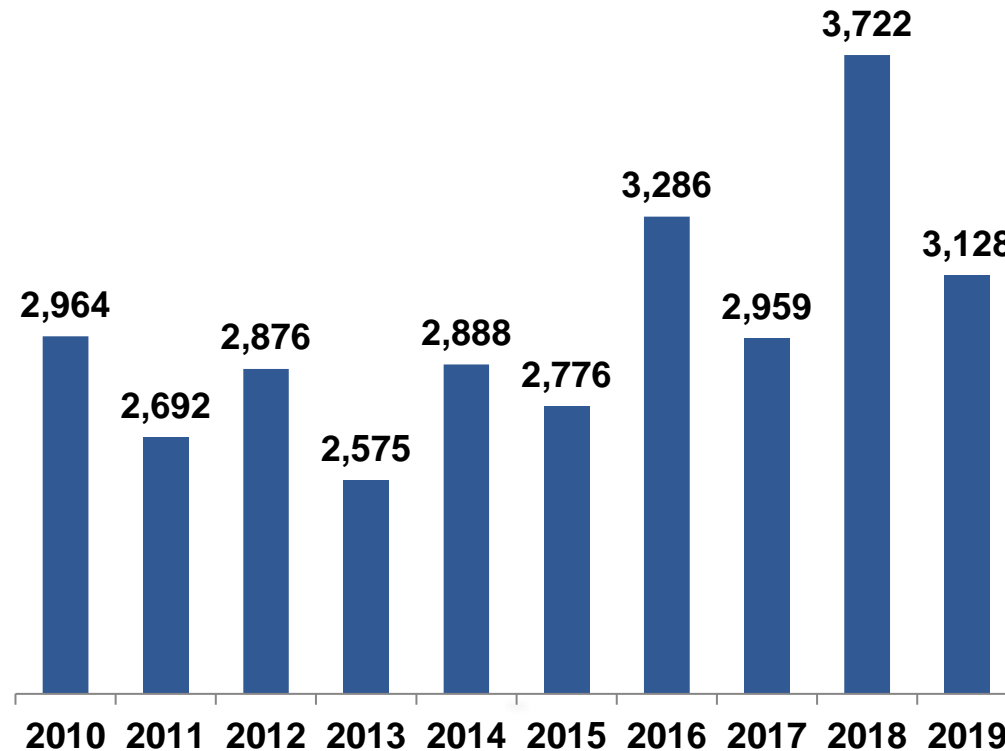
VIRGINIA CRIMINAL SENTENCING COMMISSION



March 25, 2019

General Assembly Statistics

Number of Introduced Bills by Year



The General Assembly convenes for long sessions in even-numbered years (60 days) and short sessions in odd-numbered years (45 days).

Typically, more bills are referred to a Courts of Justice Committee than any other House or Senate committee.



Sentencing Commission Session-Related Activities

Sentencing Commission staff:

- Prepare fiscal impact statements, as required by § 30-19.1:4;
- Monitor legislation that may have an impact on penalties, sentencing, time served, and sex offender registration, as well as legislation proposing criminal justice studies;
- Observe the judicial interview process;
- Respond to legislators' requests for supplemental information; and
- Provide technical assistance to other agencies.





Fiscal Impact Statements

Fiscal Impact Statements

§ 30-19.1:4

- **The Sentencing Commission must prepare a fiscal impact statement for any bill that would result in a net increase in the population of offenders housed in state adult correctional facilities (prisons).**
- **Law became effective July 1, 2000.**
- **Effective July 1, 2002, the impact statement must also:**
 - **Include an analysis of the impact on local and regional jails as well as state and local community corrections programs; and**
 - **Detail any necessary adjustments to the sentencing guidelines.**



Fiscal Impact Statements

§ 30-19.1:4

The requirement for an impact statement includes, but is not limited to, proposals that:

- **Add new crimes for which imprisonment is authorized;**
- **Increase the periods of imprisonment authorized for existing crimes;**
- **Raise the classification of a crime from a misdemeanor to a felony;**
- **Impose mandatory terms of imprisonment; or**
- **Modify laws governing release of prisoners.**



Fiscal Impact Statements

§ 30-19.1:4

- **The Sentencing Commission must estimate the increase in annual operating costs for prison facilities that would result if the proposal is enacted.**
 - **A six-year projection is required.**
 - **The highest single-year population increase is identified.**
 - **This is multiplied by the cost of holding a prison inmate for a year (operating costs, excluding capital costs).**
 - **For FY2018, this was \$35,053.**
 - **This amount must be printed on the face of the bill and a one-year appropriation must be made.**



Fiscal Impact Statements Additional Provisions

If the Sentencing Commission does not have sufficient information to project the impact, § 30-19.1:4 specifies that the words "Cannot be determined" must be printed on the face of the bill.

**Item 48 of
Chapter 2 of the 2018 Acts of Assembly, Special Session I
(Appropriation Act)**

For any fiscal impact statement prepared by the Virginia Criminal Sentencing Commission pursuant to § 30-19.1:4, Code of Virginia, for which the commission does not have sufficient information to project the impact, the commission shall assign a minimum fiscal impact of \$50,000 to the bill and this amount shall be printed on the face of each such bill, but shall not be codified. The provisions of § 30-19.1:4, paragraph H. shall be applicable to any such bill.



Fiscal Impact Statements

§ 30-19.1:4

- **The Department of Juvenile Justice (DJJ) prepares a fiscal impact estimate for any bill that would result in a net increase in the juvenile population committed to the state.**
- **DJJ provides this information to the Sentencing Commission and a combined statement is submitted to the General Assembly.**

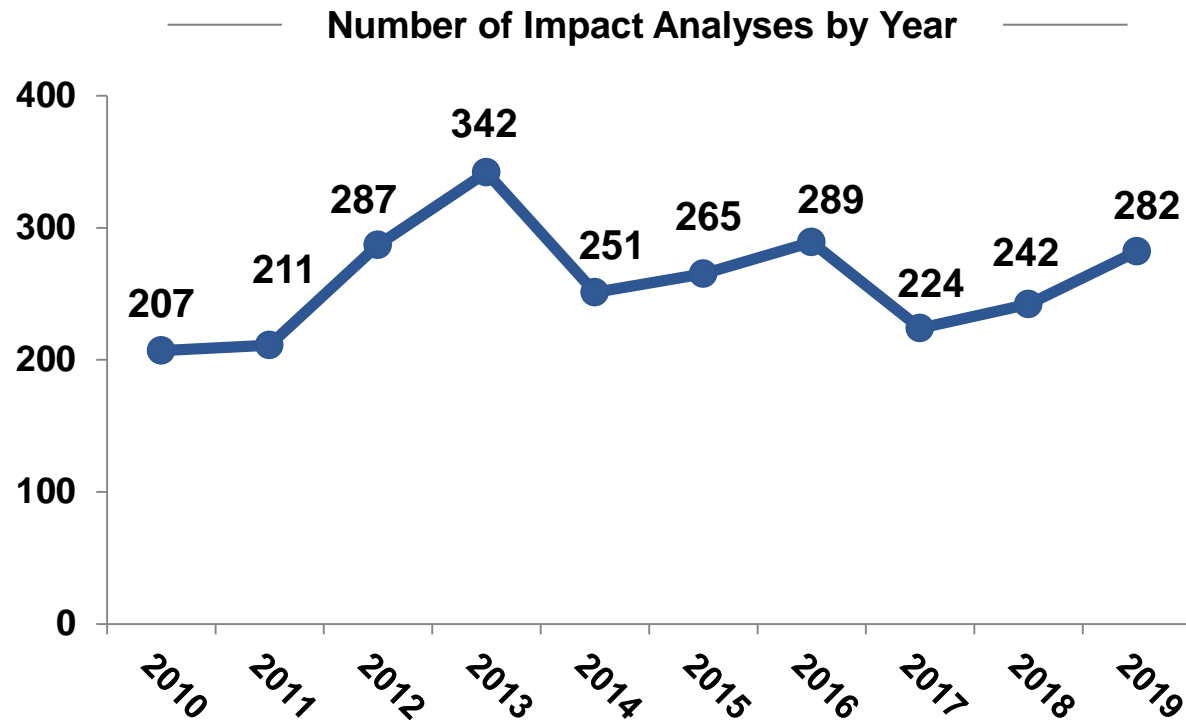


Calculation of Fiscal Impact

- **Sentencing Commission staff analyze available data to determine (or estimate) the number of offenders likely to be affected by the legislation and the impact on sentences and/or time served for those offenders.**
- **The data are used in a computer simulation model to estimate the net increase in the prison population likely to result from the proposal during the six years following enactment.**
- **If data do not contain sufficient detail to estimate the impact of the proposal, background statistics are provided, if possible.**



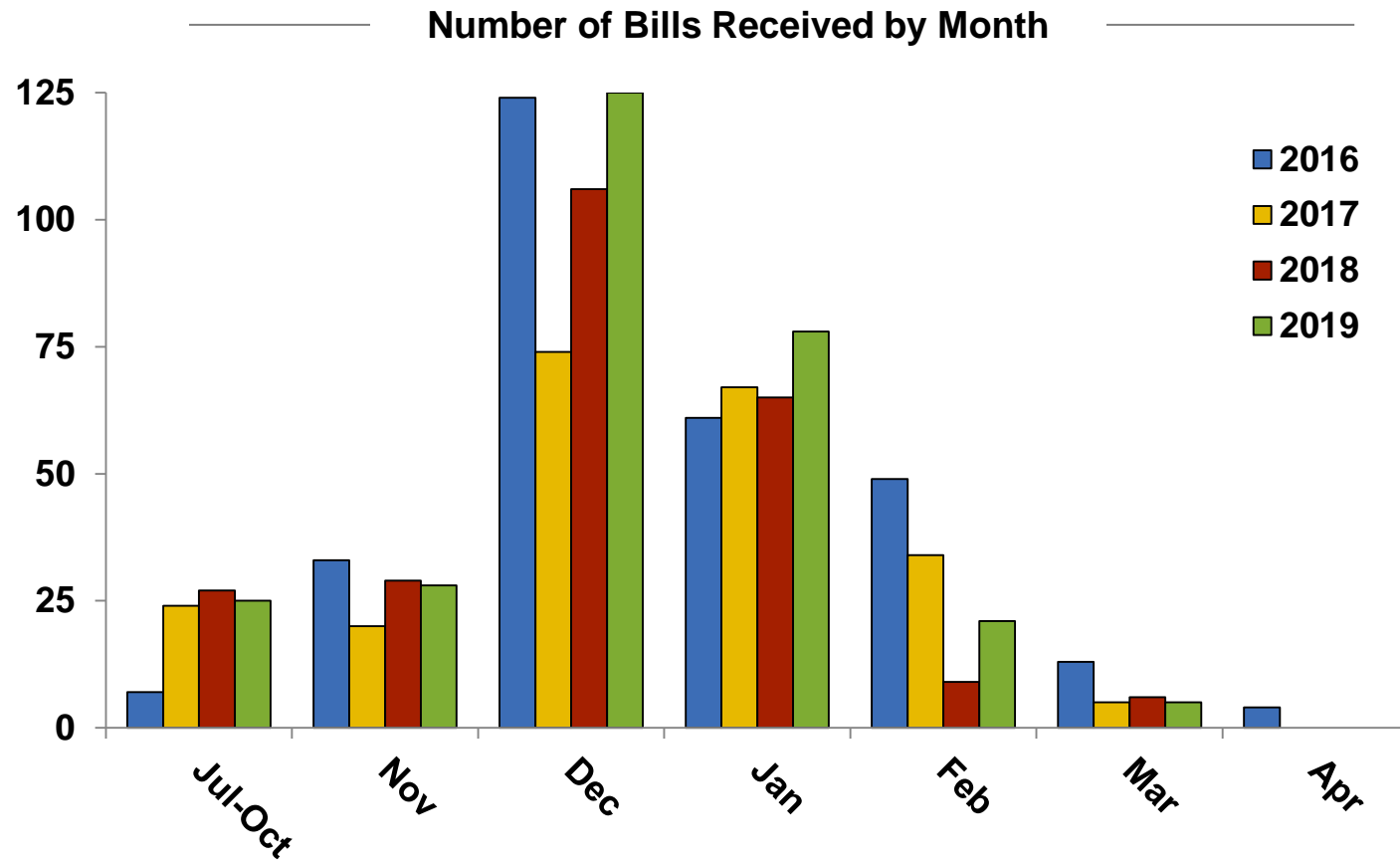
Impact Analyses Completed for 2010 - 2019 Sessions of the General Assembly



Multiple analyses may be performed on each bill, depending on the number of amended and substitute versions that are proposed or adopted.

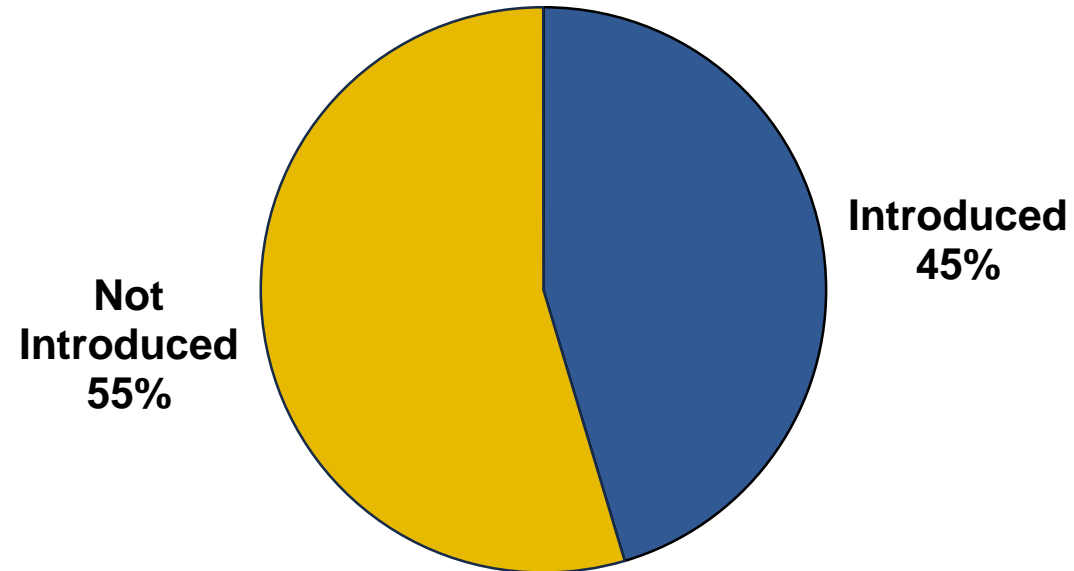


Number of Bills Received for 2016 - 2019 Sessions of the General Assembly by Month



Status of Bills Received for 2019 Session

Percentage of Bills with Impacts
That Were Introduced*



216 Analyses Conducted

* Based on bills received
as of January 10, 2019.



2019 General Assembly Types of Legislative Changes

Type of Legislative Change	Percent
Expansion or Clarification of Crime	78.0%
New Crime	38.3%
Misdemeanor to Felony	20.6%
Increase Felony Penalty	3.2%
Mandatory Minimum	7.1%
Other	45.7%

282 Impact Analyses Completed

Percentages do not add to 100%, since proposed legislation can involve multiple types of changes. Multiple analyses may be performed on each bill, depending on the number of amended and substitute versions that are proposed or adopted.



Most Common Types of Offenses in Proposed Legislation

- **Firearms (85 analyses)**
- **Sex Offenders and Offenses (49 analyses)**
- **Animals (19 analyses)**
- **Licenses (16 analyses)**
- **Murder/Homicide (14 analyses)**
- **Drugs (11 analyses)**
- **Fraud/Larceny (11 analyses)**
- **Gambling (11 analyses)**
- **Assault (10 analyses)**
- **Threats (9 analyses)**



Joint Legislative Audit and Review Commission (JLARC) Review of Fiscal Impact Statements

- **Legislators can request that JLARC review the Commission's fiscal impact statements.**
 - **The number of requests has ranged from 0 to 2 per year.**
- **During the 2019 Session, JLARC was not asked to review any of the Commission's fiscal impact statements.**





Legislation Relating
to the Sentencing Commission
2019 General Assembly



See also
HB 1991 (Price)

HB 2554

Discretionary sentencing guideline midpoints; act of domestic terrorism enhancement.

Introduced by: Marcia S. "Cia" Price

VCSC FISCAL IMPACT: Cannot be determined (\$50,000)

SUMMARY AS INTRODUCED:

Provides that in addition to any increase in the midpoint of an initial recommended sentencing range already calculated for a defendant's criminal history, a defendant who commits an act of domestic terrorism, as defined in the bill, shall have the midpoint of the recommended sentencing range for his offense further increased by 200 percent in all cases.

HISTORY

01/09/19 House: Referred to Committee for Courts of Justice

02/05/19 House: Left in Courts of Justice



HB 2087 Prostitution-related crimes; minors, penalties.

Introduced by: Vivian E. Watts

SUMMARY AS PASSED HOUSE:

Increases the penalty for violations of § 18.2-347 (keeping a bawdy place), § 18.2-348 (aiding prostitution) and § 18.2-349 (using vehicles to promote prostitution) from a Class 1 misdemeanor to a Class 6 felony if the violation involves a minor. The bill adds the new felonies to the definition of a violent felony for sentencing guidelines, Sex Offender Registry requirements, predicate criminal acts for street gangs, and racketeering offenses and makes specified crimes gender neutral.

VCSC FISCAL IMPACT: Cannot be determined (\$50,000)

HISTORY

02/01/19 House: Reported from Courts of Justice with substitute (18-Y 0-N)

02/05/19 House: Block vote passage (99-Y 0-N)

02/11/19 Senate: Reported from Courts of Justice (14-Y 0-N 1-A)

02/18/19 Senate: Reported from Finance with amendment (16-Y 0-N)

02/20/19 Senate: Passed Senate with amendment (38-Y 2-N)

02/21/19 House: Senate amendment rejected by House (0-Y 99-N)

02/21/19 Senate: Senate requested conference committee

02/21/19 House: House acceded to request

02/24/19 House: No further action taken



HB 2586 Prostitution and sex trafficking involving a minor, penalties.

Introduced by: Robert B. Bell

SUMMARY AS PASSED:

Increases the penalty for violations of § 18.2-348 (aiding prostitution) and § 18.2-349 (using vehicles to promote prostitution) from a Class 1 misd. to a Class 6 felony if the violation involves a minor. The bill adds the new felonies to the definition of a violent felony for sentencing guidelines, Sex Offender Registry requirements, predicate criminal acts for street gangs, racketeering offenses, and the barrier crimes for certain employees/volunteers and specifies that each violation of commercial sex trafficking is a separate and distinct felony.

VCSC FISCAL IMPACT: Cannot be determined (\$50,000)

HISTORY

02/01/19 House: Reported from Courts of Justice (18-Y 0-N)

02/05/19 House: Block vote passage (99-Y 0-N)

02/11/19 Senate: Reported from Courts of Justice (14-Y 0-N 1-A)

02/18/19 Senate: Reported from Finance with amendment (16-Y 0-N)

02/20/19 Senate: Passed Senate with amendment (40-Y 0-N)

02/23/19 Senate: Conference report agreed to by Senate (40-Y 0-N)

02/23/19 House: Conference report agreed to by House (99-Y 0-N)

03/11/19 Governor: Governor's Action Deadline Midnight, March 26, 2019



This bill is a recommendation of the Crime Commission

SB 1603 Human trafficking; prevention and awareness.

Introduced by: Mark D. Obenshain

SUMMARY AS INTRODUCED:

The proposal expands several prostitution-related offenses to include additional types of sexual contact. Specifically, touching of the intimate parts of another person with the intent to sexually arouse or gratify or allowing another person to touch one's own intimate parts with the intent to sexually arouse or gratify to the list of conduct that, when done for money or its equivalent, constitutes prostitution. By expanding § 18.2-346 to cover additional behaviors, the proposal potentially expands felony offenses defined in § 18.2-357.1 (commercial sex trafficking). The bill also includes the elements of HB2586. The proposal establishes the Virginia Prevention of Sex Trafficking Fund.

VCSC FISCAL IMPACT: Cannot be determined (\$50,000)

HISTORY

01/16/19 Senate: Reported from Courts of Justice with substitute (14-Y 0-N)

01/16/19 Senate: Rereferred to Finance

02/06/19 Senate: Left in Finance



Recommendations in the *2018 Annual Report*

No legislation was introduced during the 2019 General Assembly session pertaining to the recommendations contained in the Commission's *2018 Annual Report*.

Pursuant to § 17.1-806, unless otherwise acted upon by the General Assembly, any recommendations contained in the Commission's Annual Report automatically take effect the following July 1.

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HOUSE JOINT RESOLUTION NO. 819

Offered February 5, 2019

Celebrating the life of the Honorable Ernest Pleasants Gates.

Patrons—Robinson, Adams, D.M., Carr and Ware; Senators: Chase and Sturtevant

WHEREAS, the Honorable Ernest Pleasants Gates, a deeply respected former judge of the Chesterfield Circuit Court who dedicated a lifetime of service to the community, died on June 18, 2018; and

WHEREAS, a native of Chesterfield County, where his family roots run deep, Ernest Gates attended local schools and graduated from Hampden-Sydney College; he joined many of the other young men of his generation in service to the nation during World War II as a member of the United States Navy and was wounded in combat on Okinawa; and

WHEREAS, after his honorable military service, Ernest Gates returned to the Commonwealth and earned a law degree from Washington and Lee University before beginning a long and fulfilling career in local government; and

WHEREAS, Ernest Gates served as deputy commissioner of the revenue, deputy treasurer, county attorney, and counsel for the school board, then was elected as an attorney for the Commonwealth in 1955; and

WHEREAS, in 1966, Ernest Gates was appointed as a judge of the Chesterfield Circuit Court of the 12th Judicial Circuit of Virginia, where he presided with great fairness and wisdom until his retirement in 1987; and

WHEREAS, Ernest Gates continued to hear cases part-time as a designated judge and was appointed as chair of the Virginia Criminal Sentencing Commission in 1994; throughout his distinguished career, he was known for his grace, integrity, and professionalism, as well as his commitment to treating others with dignity and respect; and

WHEREAS, Ernest Gates volunteered his time to strengthen the community as a member of the Chesterfield Jaycees, the local Kiwanis and Lions clubs, and the Henricus Foundation, and he enjoyed fellowship and worship with the congregation of St. John's Episcopal Church in Chester; and

WHEREAS, predeceased by his beloved wife of 63 years, Virginia, Ernest Gates will be fondly remembered and greatly missed by his six children, 16 grandchildren, six great-grandchildren, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Ernest Pleasants Gates, a former judge of the Chesterfield Circuit Court and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Ernest Pleasants Gates as an expression of the General Assembly's respect for his memory.

INTRODUCED

HJ819



Legislation Passed by the
2019 General Assembly



Incorporates
SB1276 (Ebbin)
Identical to
HB 1874 (Ransone)

SB 1604 Cruelty to animals; increases penalty.

Introduced by: Bill R. DeSteph, Jr.

SUMMARY AS PASSED:

Provides that any person who tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific/medical experimentation, or cruelly and unnecessarily beats, maims, or mutilates any dog or cat that is a companion animal whether belonging to him or another and as a direct result causes serious bodily injury to such dog or cat is guilty of a Class 6 felony. Current law requires that the animal die for the person to be guilty of the felony.

VCSC FISCAL IMPACT: Cannot be determined (\$50,000)

HISTORY

01/17/19 Senate: Reported from ACNR with amendment (15-Y 0-N)

01/31/19 Senate: Reported from Finance with substitute (13-Y 0-N)

02/05/19 Senate: Passed Senate (40-Y 0-N)

02/15/19 House: Reported from Courts of Justice w/substitute (17-Y 0-N)

02/20/19 House: Passage (99-Y 0-N)

02/21/19 Senate: House substitute rejected by Senate (3-Y 37-N)

02/22/19 Senate: Conference report agreed to by Senate (38-Y 0-N)

02/22/19 House: Conference report agreed to by House (95-Y 1-N)

03/11/19 Governor: Governor's Action Deadline Midnight, March 26, 2019



HB 1941 Driving while intoxicated; maiming, etc., of another.

Introduced by: Robert B. Bell

SUMMARY AS PASSED:

Increases from a Class 6 to a Class 4 felony the punishment for a person who, as a result of driving or operating a watercraft while intoxicated in a manner so gross, wanton, and culpable as to show reckless disregard for human life, unintentionally causes the serious bodily injury of another person resulting in permanent and significant physical impairment. The bill creates a Class 6 felony for such driving/operation that unintentionally causes serious bodily injury of another person.

VCSC FISCAL IMPACT: Cannot be determined (\$50,000)

HISTORY

02/01/19 House: Reported from Courts of Justice (17-Y 1-N)

02/05/19 House: Passage (94-Y 3-N)

02/11/19 Senate: Reported from Courts of Justice w/substitute (14-Y 0-N)

02/18/19 Senate: Reported from Finance with amendment (16-Y 0-N)

02/20/19 Senate: Passed Senate w/substitute with amendment (40-Y 0-N)

02/21/19 House: Senate substitute w/amend. rejected by House (1-Y 99-N)

02/23/19 Senate: Conference report agreed to by Senate (40-Y 0-N)

02/23/19 House: Conference report agreed to by House (96-Y 3-N)

03/11/19 Governor: Governor's Action Deadline Midnight, March 26, 2019



Identical to
SB 1469 (Chafin)

HB 2411 Timber theft; theft, accounting, penalty.

Introduced by: Les R. Adams

SUMMARY AS PASSED:

Provides that a person who buys and removes timber from a landowner's property is guilty of timber theft, a Class 1 misdemeanor, if he fails to pay the landowner by the date specified in their agreement, or if there is no written agreement, within 60 days of removing the timber. The bill requires restitution of a specified amount. Failure to provide an accurate accounting of each load removed from the property, when required to do so, is a Class 3 misdemeanor.

VCSC FISCAL IMPACT: None (\$0)

HISTORY

01/30/19 House: Reported from ACNR with amendment (21-Y 0-N)

02/04/19 House: Passage (99-Y 0-N)

02/14/19 Senate: Reported from ACNR with substitute (10-Y 0-N)

02/18/19 Senate: Reported from Finance (16-Y 0-N)

02/20/19 Senate: Passed Senate with substitute (40-Y 0-N)

02/21/19 House: Senate substitute agreed to by House (98-Y 0-N)

03/04/19 Governor: Governor's Action Deadline Midnight, March 26, 2019



HB 2528 Felony homicide; certain drug offenses, penalty.

Introduced by: Timothy D. Hugo

SUMMARY AS PASSED:

Provides that a person is guilty of felony homicide if the felonious act that resulted in the accidental death of another 1) involved the manufacture, distribution, etc., of a Schedule I or II drug, and 2) such other person's death results from his use of the controlled substance, and 3) such controlled substance is the proximate cause of the death, regardless of the time or place death occurred in relation to the commission of the drug distribution. The bill provides a reduced penalty under certain conditions if the drug was distributed only as an accommodation.

VCSC FISCAL IMPACT: At least 4 beds (\$149,967)

HISTORY

02/01/19 House: Reported from Courts of Justice (14-Y 4-N)

02/05/19 House: Passage (75-Y 24-N)

02/11/19 Senate: Reported from Courts of Justice w/substitute (15-Y 0-N)

02/18/19 Senate: Reported from Finance with substitute (15-Y 0-N)

02/21/19 Senate: Passed Senate w/substitute w/amendments (40-Y 0-N)

02/21/19 House: Senate substitute w/amend. agreed to by House (69-Y 30-N)

03/04/19 Governor: Governor's Action Deadline Midnight, March 26, 2019



HB 2605 Community corrections alternative program; establishment.

Introduced by: Jeion A. Ward

SUMMARY AS INTRODUCED:

Repeals the boot camp incarceration program, Diversion Center program, and Detention Center program and replaces them with the Community Corrections Alternative Program. The program, established and maintained by DOC, is intended for probationers and parolees whose identified risks and needs cannot be addressed by conventional probation or parole supervision. The program includes components for counseling, substance abuse testing and treatment, remedial education, and career and occupational assessment; providing assistance in securing and maintaining employment; ensuring compliance with terms and conditions of probation or parole; ensuring restitution, etc.

VCSC FISCAL IMPACT: Not required

HISTORY

02/01/19 House: Reported from Courts of Justice (18-Y 0-N)

02/05/19 House: Block vote passage (99-Y 0-N)

02/18/19 Senate: Reported from Courts of Justice (14-Y 0-N)

02/20/19 Senate: Passed Senate (40-Y 0-N)

03/04/19 Governor: Governor's Action Deadline Midnight, March 26, 2019



Similar to
SB 1501 (Carrico)

HB 2615 Capital murder; punishment.

Introduced by: Todd E. Pillion

SUMMARY AS PASSED HOUSE:

Provides that any person convicted of capital murder who was 18 years of age or older at the time of the offense shall be sentenced to no less than a mandatory minimum term of confinement for life.

VCSC FISCAL IMPACT: None (\$0)

HISTORY

02/01/19 House: Reported from Courts of Justice w/substitute (18-Y 0-N)

02/05/19 House: Block vote passage (99-Y 0-N)

02/11/19 Senate: Reported from Courts of Justice (10-Y 4-N 1-A)

02/13/19 Senate: Passed Senate (21-Y 18-N)

02/19/19 Governor: Governor's Action Deadline Midnight, March 26, 2019



As introduced, this bill was a recommendation of the Crime Commission

HB 2452 Contempt of court; willful failure to appear.

Introduced by: Les R. Adams

SUMMARY AS PASSED HOUSE:

Provides that contempt of court for willful failure to appear may be punished summarily. The bill also requires judges to indicate, in writing, the reason for a charge and punishment of contempt when punished summarily. As introduced, this bill is a recommendation of the Virginia State Crime Commission.

VCSC FISCAL IMPACT: Not required

HISTORY

01/21/19 House: Reported from Courts of Justice w/amendment (18-Y 0-N)

01/25/19 House: BLOCK VOTE PASSAGE (97-Y 0-N)

02/11/19 Senate: Reported from Courts of Justice (15-Y 0-N)

02/14/19 Senate: Passed Senate (40-Y 0-N)

02/21/19 Governor: Governor's Action Deadline Midnight, March 26, 2019



As introduced, this bill was a recommendation of the Crime Commission
Identical to **HB 2343** (Bell)

SB 1602 Central Criminal Record Exchange; reports, duties, authority.

Introduced by: Mark D. Obenshain

SUMMARY AS PASSED:

Requires the Central Criminal Records Exchange (Exchange) to review offenses containing unapplied criminal history record information, defined in the bill, and make reasonable efforts to ensure that such information is applied to criminal history records. The bills also specifies circumstances in which fingerprints and photographs must be taken and submitted to the CCRE (e.g., *capias* or show cause for probation violation, first offender status, etc.).

VCSC FISCAL IMPACT: Not required

HISTORY

- 01/23/19 Senate: Reported from Courts of Justice w/substitute (15-Y 0-N)
- 01/31/19 Senate: Reported from Finance with amendments (16-Y 0-N)
- 02/04/19 Senate: Constitutional reading dispensed (40-Y 0-N)
- 02/05/19 Senate: Passed Senate (40-Y 0-N)
- 02/15/19 House: Reported from Courts of Justice w/substitute (17-Y 0-N)
- 02/20/19 House: Passed House with substitute BLOCK VOTE (100-Y 0-N)
- 02/21/19 Senate: House substitute agreed to by Senate (40-Y 0-N)
- 03/04/19 Governor: Governor's Action Deadline Midnight, March 26, 2019



Legislation Not Passed by the
2019 General Assembly



Similar to
HB 2584 (Gilbert)
HB 1501 (Murphy) –
Delayed enactment

SB 1621 Assault and battery against a family or household member; enhanced penalty.

Introduced by: Mark D. Obenshain

SUMMARY AS INTRODUCED:

Increases the penalty for an assault and battery against a family or household member to a Class 6 felony if it is alleged that the offender has one prior conviction for a specified offense against a family or household member. Currently, the penalty for assault and battery of a family or household member is a Class 6 felony if it is alleged that the offender has two prior convictions for specified offenses. Thus, the proposal would expand the circumstances under which the felony penalty for this offense would apply.

VCSC FISCAL IMPACT: 427 prison beds (\$14,978,224)

HISTORY

01/28/19 Senate: Reported from Courts of Justice w/substitute (12-Y 1-N 1-A)

01/28/19 Senate: Rereferred to Finance

02/06/19 Senate: Left in Finance

The **GENERAL ASSEMBLY** passed HB 2042, requiring a mandatory minimum term of confinement of 60 days for a second conviction for assault and battery of a family or household member.



HB 2066 Firearms, stolen; creates and enhances penalties.

Introduced by: David E. Yancey

SUMMARY AS INTRODUCED:

Raise existing felony penalties and establishes mandatory minimum terms for certain offenses related to stolen firearms. The bill makes it (i) a Class 3 felony with a five-year mandatory minimum sentence to commit larceny of a firearm with the intent to sell or distribute and (ii) a Class 5 felony with a two-year mandatory minimum sentence to sell or distribute, attempt to sell or distribute, or possess with the intent to sell or distribute a stolen firearm. The bill adds a one-year mandatory minimum sentence to the crime of receiving a stolen firearm, which is a Class 6 felony. Finally, the bill increases the mandatory minimum sentences for using a firearm during the commission of a felony, if such firearm was stolen, from three years to five years for a first offense and from five years to 10 years for a second or subsequent offense.

VCSC FISCAL IMPACT: At least 67 prison beds (\$2,353,931)

HISTORY

01/07/19 House: Referred to Committee for Courts of Justice

02/05/19 House: Left in Courts of Justice



SB 1230 Family or household member; adds to existing definition.

Introduced by: Adam P. Ebbin

SUMMARY AS INTRODUCED:

Adds to the existing definition of "family or household member" the person's aunt, aunt-in-law, step-aunt, uncle, uncle-in-law, step-uncle, niece, nephew, and first and second cousin who reside in the same home as the person, and any individual who is in, or has been in, a dating relationship with the person. The definition is used for purposes of statutes related to assault and battery against a family or household member, stalking a family or household member, protective orders, and the recruitment of persons for criminal street gangs. Technical changes are made to change descriptions of family relationships to gender-neutral terms.

VCSC FISCAL IMPACT: Cannot be determined (\$50,000)

HISTORY

01/04/19 Senate: Referred to Committee for Courts of Justice

01/21/19 Senate: Committee substitute printed

01/21/19 Senate: Passed by indefinitely in Courts of Justice (15-Y 0-N)



HB 2504 Protective orders; possession of firearms, penalties.

Introduced by: Kathleen Murphy

SUMMARY AS INTRODUCED:

Expands the Class 6 felony defined in § 18.2-308.1:4(B) to prohibit persons subject to a protective order issued pursuant to § 19.2-152.10, related to the health and safety of a petitioner and their family or household members, from knowingly possessing a firearm. Currently, under § 18.2-308.1:4(B), it is a Class 6 felony for a person subject to a protective order issued pursuant to § 16.1-279.1, related to cases of family abuse, to knowingly possess a firearm. The bill requires that any person who is prohibited from possessing a firearm because he is subject to a permanent protective order certify in writing to the clerk of the court that issued the order within 48 hours after being served with the order that any firearm in his possession has been sold or transferred; failure to file such certification is a Class 1 misdemeanor.

VCSC FISCAL IMPACT: Cannot be determined (\$50,000)

HISTORY

01/09/19 House: Referred to Committee for Courts of Justice

02/05/19 House: Left in Courts of Justice



HB 2504 Protective orders; possession of firearms, penalties.

Introduced by: Kathleen Murphy

ANALYSIS:

According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, in calendar year 2017, a total of 5,390 protective orders were entered pursuant to § 16.1-279.1, while a total of 2,978 protective orders were entered pursuant to § 19.2-152.10.

The existing Class 6 felony defined under § 18.2-308.1:4 for possessing a firearm while subject to a protective order issued under § 16.1-279.1 became effective on July 1, 2016. According to Circuit Court Case Management System (CMS) data for FY2017 and FY2018, 11 individuals were convicted of this Class 6 felony during the two-year period. This offense was the primary, or most serious, offense in eight cases. Of these eight offenders, two (25%) received a state-responsible (prison) sentence of 1 year and 2.3 years, respectively. Three (37.5%) of the offenders received a local-responsible (jail) term with a median sentence of three months. The remaining offenders did not receive an active term of incarceration.

Available data do not contain sufficient detail to determine the number of new felony convictions that may result if § 18.2-308.1:4(B) were expanded to include protective orders issued under § 19.2-152.10.



SB 1263 Juveniles; trial as an adult.

Introduced by: Richard L. Saslaw

SUMMARY AS PASSED SENATE:

Increases the minimum age that a juvenile can be tried as an adult in circuit court for a felony larceny offense from 14 years of age to 16 years of age.

HISTORY

01/28/19 Senate: Reported from Courts of Justice w/substitute (10-Y 4-N)

01/31/19 Senate: Passed Senate (33-Y 7-N)

02/18/19 House: Subcommittee recommends passing by indefinitely (5-Y 2-N)

02/19/19 House: Left in Courts of Justice



HB 1689 Parole; exception to limitation on the application of parole statutes.

Introduced by: Joseph C. Lindsey

SUMMARY AS INTRODUCED:

Provides that a person is entitled to parole if (i) such person was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole has been abolished, for a noncapital felony committed on or after the abolition of parole going into effect (on January 1, 1995) and (ii) the jury was not instructed on the abolition of parole.

HISTORY

12/07/18 House: Referred to Committee for Courts of Justice

01/21/19 House: Subcommittee recommends passing by indefinitely (6-Y 2-N)

02/05/19 House: Left in Courts of Justice



HJ 644 JLARC; reinstatement of discretionary parole, report.

Introduced by: Vivian E. Watts

SUMMARY AS INTRODUCED:

Directs the Joint Legislative Audit and Review Commission (JLARC) to study the reinstatement of discretionary parole, which was abolished in 1995.

HISTORY

01/07/19 House: Referred to Committee on Rules

01/29/19 House: Subcommittee recommends laying on the table (7-Y 0-N)

02/05/19 House: Left in Rules



General Assembly website:

<http://viriniageneralassembly.gov/>