



Virginia Criminal Sentencing Commission

100 North Ninth Street • Richmond, Virginia 23219 • Tel.: 804.225.4398 • Fax: 804.786.3934

Meeting of the Virginia Criminal Sentencing Commission

September 3, 2025

1:00 pm – 2:00 pm

Meeting held at the Virginia Supreme Court Building

Meeting Minutes

Members Attending in Person: **Judge Dennis Hupp** (Chairman), **Judge Stacey Moreau** (Vice Chairman), **Marcus Elam**, **Bethany Harrison**, **Judge Robert J. Humphreys**, **Maria Jankowski**, **K. Scott Miles**, **Nancy Parr**, **Judge Tania Saylor**, **Judge Bryant L. Sugg**, **Theo Stamos** and **Judge Victoria A.B. Willis**

Members Absent: **Delegate Rae C. Cousins**, **Judge Steven C. Frucci**, **Judge Jack S. Hurley**, **Senator Russet Perry** and **Dr. Michon Moon**

WELCOME

Before calling the meeting to order, Judge Hupp, Chairman, welcomed Delegate Cherry. The meeting commenced promptly at 1:00pm.

AGENDA

The meeting agenda is available at: <http://www.vcsc.virginia.gov/2025Meetings/AgendaSep0325Review.pdf>

REVIEW OF RESOURCE DOCUMENT

Presentation link: <http://www.vcsc.virginia.gov/2025Meetings/17.1-805Report.pdf>

The members of the Virginia Criminal Sentencing Commission discussed possible changes to § 17.1-805(C) and § 19.2-297.1 of the *Code of Virginia*. As directed by the Chair of the Senate Courts of Justice Committee, the Commission was to consider whether any amendments should be proposed to:

1. Consolidate the two statutory lists into a single list of violent felonies;
2. Add offenses to either list; or
3. Remove offenses from either list.

As part of the review, members considered the implications of House Bill 2456, introduced during the 2025 General Assembly session. The patron of the bill, Delegate Mike Cherry, was in attendance. Members considered four broad approaches for the review before making their decision:

1. Comprehensive Alignment and Review

Amend § 17.1-805 to incorporate all offenses currently requiring 85% earned sentence credit (ESC) under § 53.1-202.3, including those listed in §§ 19.2-297.1, 53.1-40.02, and offenses ineligible for record sealing under § 19.2-393.11 et seq. Following the merger, direct stakeholders to conduct a comprehensive review of offenses in § 17.1-805 to identify which serve as barriers to program participation or early release. Note that under § 17.1-

805.1, the Sentencing Commission may base enhancements on actual sentencing practices.

2. Overlooked Offenses

Identify offenses that may have been unintentionally excluded during past legislative updates or codification efforts. These may warrant inclusion based on current statutory intent or sentencing practice.

3. Targeted Legislative Fix

Limit recommendations to addressing known issues in the proposed legislation without expanding the scope beyond currently identified issues.

4. Sentencing Guidelines–Focused Adjustments

Make offense recommendations for inclusion or removal from § 17.1-805 based solely on their impact on Sentencing Guidelines policy and outcomes, independent of other statutory considerations. However, the result is not one comprehensive list.

After a thorough review of the materials provided by staff, members present unanimously agreed that the definition of a “violent offense” remains a policy decision. Although the original intent was to use data to support an objective recommendation, the analysis showed that most offenses either had no statistically significant impact on the outcomes of interest or had sample sizes too small to support meaningful conclusions. As a result, members determined that data alone is not sufficient to justify changes to §§ 17.1-805 or 19.2-297.1.

As part of their recommendation, Commission members proposed that the report prepared by staff be submitted to the General Assembly, should the legislature choose to pursue changes to §§ 17.1-805 and 19.2-297.1. The report outlines the Commission’s deliberations in detail and provides the background information and analysis that informed their decision.

At the § 17.1-805 Review Meeting on September 3, 2025, a motion was made to report the Commission's decision regarding the proposal to develop a single list of violent offenses, along with the background materials used during your deliberations.

There was a motion that the resource document and the reasons for no recommendation on identifying violent offenses be sent to the General Assembly in a final report. Judge Hupp asked if that was all that was needed. The response was yes, as long as the final report did not require a final vote for approval.

PUBLIC COMMENT

No member of the public wished to provide comment.

With no comments and there being no further business, the Commission adjourned at 2:00p.m.

Sentencing Commission Meeting Recording

Respectfully submitted by:

Carolyn Williamson, Research Associate

Minutes Reviewed by:

Joseph Fridley, Director