

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 969

An Act to amend the Code of Virginia by adding in Title 53.1 a chapter numbered 12.1, consisting of sections numbered 53.1-231.1 and 53.1-231.2, relating to processes for restoration of civil rights to certain persons.

[H 1080]

Approved April 9, 2000

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 53.1 a chapter numbered 12.1, consisting of sections numbered 53.1-231.1 and 53.1-231.2, as follows:

CHAPTER 12.1.

RESTORATION OF CIVIL RIGHTS.

§ 53.1-231.1. Process for notification regarding restoration of civil rights.

The Director of the Department of Corrections shall provide that any person convicted of a felony is notified of the loss of his civil rights and of the processes to apply for restoration of civil rights. The notice shall be given at the time the person has completed service of his sentence, period of probation or parole, or suspension of sentence.

The Director shall assist the Secretary of the Commonwealth in the administration of the process established by the Governor for the review of applications for restoration of civil rights.

To promote the efficient processing of applications to the Governor, the Secretary of the Commonwealth shall maintain a record of the applications for restoration of rights received, the dates such applications are received, and the dates they are either granted or denied by the Governor. The Secretary shall notify each applicant who has filed a complete application that the complete application has been received and the date the complete application was forwarded by the Secretary to the Governor. Such complete application shall be forwarded by the Secretary to the Governor within ninety days after receipt of the application.

§ 53.1-231.2. Restoration of the civil right to be eligible to register to vote to certain persons.

This section shall apply to any person who is not a qualified voter because of a felony conviction, who seeks to have his right to register to vote restored and become eligible to register to vote, and who meets the conditions and requirements set out in this section.

Any person, other than a person (i) convicted of a violent felony as defined in § 19.2-297.1 and any crime ancillary thereto, (ii) convicted of a felony pursuant to §§ 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-255, 18.2-255.2 or § 18.2-258.02, or (iii) convicted of a felony pursuant to § 24.2-1016, may petition the circuit court of the county or city in which he was convicted of a felony, or the circuit court of the county or city in which he presently resides, for restoration of his civil right to be eligible to register to vote through the process set out in this section. On such petition, the court may approve the petition for restoration to the person of his right if the court is satisfied from the evidence presented that the petitioner has completed, five or more years previously, service of any sentence and any modification of sentence including probation, parole, and suspension of sentence; that the petitioner has demonstrated civic responsibility through community or comparable service; and that the petitioner has been free from criminal convictions, excluding traffic infractions, for the same period.

If the court approves the petition, it shall so state in an order, provide a copy of the order to the petitioner, and transmit its order to the Secretary of the Commonwealth. The order shall state that the petitioner's right to be eligible to register to vote may be restored by the date that is ninety days after the date of the order, subject to the approval or denial of restoration of that right by the Governor. The Secretary of the Commonwealth shall transmit the order to the Governor who may grant or deny the petition for restoration of the right to be eligible to register to vote approved by the court order. The Secretary of the Commonwealth shall send, within ninety days of the date of the order, to the petitioner at the address stated on the court's order, a certificate of restoration of that right or notice that the Governor has denied the restoration of that right. The Governor's denial of a petition for the restoration of voting rights shall be a final decision and the petitioner shall have no right of appeal. The Secretary shall notify the court and the State Board of Elections in each case of the restoration of the right or denial of restoration by the Governor.

On receipt of the certificate of restoration of the right to register to vote from the Secretary of the Commonwealth, the petitioner, who is otherwise a qualified voter, shall become eligible to register to vote.