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HOUSE BILL NO. 1081

House Amendments in [] — February 14, 2000

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 4 of Title 24.2 a section numbered 24.2-403.1, relating to restoration of civil rights to certain persons.

Patrons—Jones, J.C., Baskerville, Christian, McEachin, Melvin, Moran, Robinson and Spruill; Senators: Marsh, Maxwell and Whipple

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 4 of Title 24.2 a section numbered 24.2-403.1 as follows:

§ 24.2-403.1. Restoration of civil rights 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 civil rights restored and become eligible to register to vote, and who meets the conditions and requirements set out in this section.

Any person may petition the circuit court of the county or city in which he was convicted of a felony [other than a violent felony as defined in § 19.2-297.1 and any crime ancillary thereto], or the circuit court of the county or city in which he presently resides, for restoration of his civil rights through the process set out in this section. On such petition, the court may approve the restoration to the person of his civil rights if the court is satisfied from the evidence presented that the petitioner has completed, [~~two~~ five] or more years previously, service of any sentence and any modification of sentence including probation, parole, and suspension of sentence.

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 civil rights will be restored on the date that is ninety days after the date of the order, subject to the denial of restoration of civil rights by the Governor. The Secretary of the Commonwealth shall transmit the order to the Governor who may deny the restoration of rights granted by the court order. Absent action by the Governor to deny the restoration of rights, the order shall become effective on the date stated in the 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 civil rights or notice that the Governor has denied the restoration of civil rights. The Secretary shall notify the court and the State Board of Elections in each case of the restoration of rights or denial of restoration by the Governor.

On receipt of the certificate of restoration of civil rights from the Secretary of the Commonwealth, the petitioner shall become eligible to register to vote.

ENGROSSED

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