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HOUSE BILL NO. 1081

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Privileges and Elections
on February 29, 2000)

(Patron Prior to Substitute—Delegate Jones, J.C.)

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.

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, other than a person convicted of a violent felony as defined in § 19.2-297.1 and any crime ancillary thereto, 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 rights through the process set out in this section. On such petition, the court may approve the petition for restoration to the person of his civil rights 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 civil rights 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 civil rights 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 rights 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 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.

SENATE SUBSTITUTE

HB1081S1