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HOUSE JOINT RESOLUTION NO. 687

Offered January 10, 2001

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Creating a joint subcommittee to study the organization of and inconsistencies in Title 18.2 of the Code of Virginia, including the level and extent of penalties set forth therein and the reasoning thereof.

Patrons—McDonnell and Rust

Referred to Committee on Rules

WHEREAS, Title 18.2 sets out the criminal laws of the Commonwealth and was last examined through a recodification 25 years ago; and

WHEREAS, many changes have been enacted during the intervening years, such as the creation of computer and other electronic crimes, crimes involving newly identified chemical substances and biological substances, and changes in penalties in recognition of changing public priorities; and

WHEREAS, a recent review of criminal penalties in the Code of Virginia shows some inconsistencies in the weight of those penalties when viewed as an overall scheme; and

WHEREAS, an examination of Title 18.2, including criminal penalties contained in other titles of the Code, is needed to reconcile these inconsistencies; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the organization of and inconsistencies in Title 18.2 of the Code of Virginia, including the level and extent of penalties set forth therein and the reasoning thereof. The joint subcommittee shall consist of 18 members, which shall include eight legislative members, six nonlegislative citizens, and four ex officio members as follows: five members of the House of Delegates, to be appointed by the Speaker of the House in accordance with the principles of proportional representation contained in the Rules of the House; three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; four citizens, which shall include one circuit court judge, one attorney for the Commonwealth, and one public defender, to be appointed by the Speaker; two citizen members, which shall include one member of the Virginia Criminal Sentencing Commission and one law professor, to be appointed by the Senate Committee on Privileges and Elections; the chairmen of the House and Senate Committees for Courts of Justice, the Attorney General, or his designee, and the Director of the Division of Legislative Services, to serve ex officio. To the extent feasible, the members of the General Assembly shall be chosen from the membership of the Virginia Code Commission.

In conducting its study, the joint subcommittee shall review the proportionality of the criminal penalties throughout the Code of Virginia and make recommendations for necessary amendments thereto, and shall recommend whether or not Title 18.2 should be rewritten at this time.

The direct costs of this study shall not exceed \$26,800.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Virginia Criminal Sentencing Commission. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 2003 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

INTRODUCED

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