

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 79

An Act to amend and reenact § 17.1-802 of the Code of Virginia, relating to appointments to the Virginia Criminal Sentencing Commission.

[S 252]

Approved March 4, 2002

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-802 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-802. Membership; compensation.

A. The Commission shall be composed of seventeen members as follows:

1. Six judges or justices, who may be judges of a circuit court who regularly hear criminal cases or judges or justices of the Supreme Court or the Court of Appeals, to be appointed by the Chief Justice of the Supreme Court of Virginia;

2. One person who is not an active member of the judiciary, to be appointed as Chairman by the Chief Justice of the Supreme Court of Virginia for a term of four years subject to confirmation by the General Assembly. The Chairman shall designate a vice-chairman from among the other members to serve a term commensurate with that of the Chairman;

3. Three persons to be appointed by the Speaker of the House of Delegates;

4. Two persons to be appointed by the Senate Committee on Privileges and Elections;

5. Four persons to be appointed by the Governor, at least one of whom shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01; and

6. The Attorney General of Virginia for a term commensurate with his term of office.

B. *Except for gubernatorial appointments*, appointments to the Commission made on ~~or~~ and after January 1, 2001, shall be for terms of four years. *Appointments to the Commission made by the Governor on and after January 1, 2006, shall be for terms of four years.* Members initially appointed to the Commission prior to January 1, 1998, may serve no more than three consecutive terms. Members initially appointed on and after January 1, 1998, shall not be eligible to serve more than two consecutive terms except for the Attorney General who shall serve by virtue of his office.

C. Members of the Commission shall receive compensation as provided in § 30-19.12, and all members of the Commission shall be paid their necessary expenses incurred in the performance of their duties.

2. That, except for the terms of gubernatorial appointees and the Attorney General, the term of any member currently serving on the Commission shall be extended and expire on December 31 in the year that the member's term is scheduled to expire. The term of any current member appointed by the Governor shall expire on December 31, 2003. All subsequent terms of any member on the Commission, except the Attorney General, shall begin on January 1. For appointments made by the Governor to commence on January 1, 2004, one person shall be appointed to a term of two years, two persons for terms of three years, and one person for a term of four years.