

2002 SESSION

ENROLLED

HOUSE JOINT RESOLUTION NO. 215

Directing the Virginia State Crime Commission to study the sentencing of misdemeanor crimes.

Agreed to by the House of Delegates, February 12, 2002

Agreed to by the Senate, March 5, 2002

WHEREAS, the vast majority of criminal cases in the Commonwealth of Virginia are charged as misdemeanors; and

WHEREAS, these misdemeanors include serious crimes such as driving under the influence of alcohol, subsequent offense, domestic assault and battery, and stalking; and

WHEREAS, an active jail sentence is often imposed by the jury or sentencing judge for these misdemeanors; and

WHEREAS, despite "truth in sentencing" statutes for felonies, there is no provision in the Code of Virginia governing the application of good behavior credits for misdemeanors, which allows local jail authorities wide latitude in determining the length of time defendants actually serve; and

WHEREAS, there are great disparities in the length of time actually served in detention by defendants, even when the sentence imposed by the judge or jury is identical; and

WHEREAS, many defendants serve only half, and in some cases, only one-fourth of the sentence handed down by the judge or jury; and

WHEREAS, it is legally impermissible for juries to be informed of "good behavior" time, which ensures that in jury cases, the sentence served by the defendant will not match the intent or will of the jury expressed by its sentence; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the sentencing of misdemeanor crimes. The Commission shall give particular attention to (i) the sentences imposed by judges and juries in misdemeanor cases; (ii) the length of time actually served by defendants given jail sentences; and (iii) any differences that result from variations based on the type of jail authority (single county or regional) and geographical location.

All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

The Virginia State Crime Commission shall complete its work by November 30, 2002, and shall submit its written 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.

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