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SENATE BILL NO. 82

Senate Amendments in [] — February 6, 2004

A BILL to amend and reenact § 53.1-231.2 of the Code of Virginia, relating to restoration of civil right to be eligible to vote.

Patron Prior to Engrossment—Senator Puller

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-231.2 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-231.2. Restoration of the civil right to be eligible to register to vote 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 right to register to vote 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 (i) convicted of a violent felony as defined in § 19.2-297.1 or in subsection C of § 17.1-805 and any crime ancillary thereto, (ii) convicted of a felony pursuant to §§ 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-255, 18.2-255.2 or § 18.2-258.02, or (iii) convicted of a felony pursuant to § 24.2-1016, 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 right to be eligible to register to vote through the process set out in this section. *However, a person convicted of a felony [pursuant to § 18.2-248 for distribution of marijuana for the distribution of marijuana or possession with the intent to distribute marijuana, pursuant to § 18.2-248 or § 18.2-248.1, where the amount of marijuana was five pounds or less,] who completed service of any sentence and any modification of sentence including probation, parole and suspension of sentence, at least 10 or more years previously and who has no other criminal convictions in any jurisdiction may petition for restoration of his civil right to be eligible to vote through the process set out in this section.* On such petition, the court may approve the petition for restoration to the person of his right if the court is satisfied from the evidence presented that the petitioner has completed, five or more years previously [, except where a longer period is required pursuant to this section] , 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 right to be eligible to register to vote may be restored by the date that is 90 days after the date of the order, subject to the approval or denial of restoration of that right 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 the right to be eligible to register to vote approved by the court order. The Secretary of the Commonwealth shall send, within 90 days of the date of the order, to the petitioner at the address stated on the court's order, a certificate of restoration of that right or notice that the Governor has denied the restoration of that right. The Governor's denial of a petition for the restoration of voting rights shall be a final decision and the petitioner shall have no right of appeal. The Secretary shall notify the court and the State Board of Elections in each case of the restoration of the right or denial of restoration by the Governor.

On receipt of the certificate of restoration of the right to register to vote from the Secretary of the Commonwealth, the petitioner, who is otherwise a qualified voter, shall become eligible to register to vote.

ENGROSSED

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