

056080340

**HOUSE BILL NO. 2649**

Offered January 12, 2005

Prefiled January 12, 2005

*A BILL to amend and reenact § 17.1-802 of the Code of Virginia, relating to the membership of the Virginia Criminal Sentencing Commission.*

---

Patron—Hurt

---

Referred to Committee for Courts of Justice

**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; terms; compensation and expenses.

A. The Commission shall be composed of ~~17~~21 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~~Five persons to be appointed by the Speaker of the House of Delegates, *two of whom shall be members of the House of Delegates;*

4. ~~Two~~Four persons to be appointed by the Senate Committee on Rules, *two of whom shall be members of the Senate of Virginia;*

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 or his designee for a term commensurate with his term of office.

All members shall be citizens of the Commonwealth.

B. Except for gubernatorial appointments, appointments to the Commission made on 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. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The remainder of any term to which a member is appointed to fill a vacancy or the service of an initial term of three years or less shall not constitute a term in determining the member's eligibility for reappointment.

C. Members of the Commission shall receive compensation as provided in § 2.2-2813 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Virginia Sentencing Commission.

INTRODUCED

HB2649