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HOUSE BILL NO. 2649

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 18, 2005)

(Patron Prior to Substitute—Delegate Hurt)

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

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 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~~ The Chairman of the House Committee for Courts of Justice and two persons to be appointed by the Speaker of the House of Delegates;

4. ~~Two persons~~ The Chairman of the Senate Committee for Courts of Justice and one person to be appointed by the Senate Committee on Rules;

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 *legislative members* and gubernatorial appointments, appointments to the Commission made on and after January 1, 2001, shall be for terms of four years. *Legislative members shall serve terms coincident with their terms of office.* 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~~ *Legislative members of the Commission shall receive compensation as provided in § 30-19.12 and nonlegislative citizen members of the Commission shall receive compensation as provided in § 2.2-2813 and all members 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.*

2. That the provisions of this act shall not be construed to affect existing appointments for which the terms have not expired or for which there is no vacancy. However, any new appointments made after July 1, 2005, shall be made in accordance with the provisions of this act.