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SENATE BILL NO. 949

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact § 2.2-2101, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 8 consisting of sections numbered 2.2-2530 through 2.2-2533, relating to the Virginia Commission on Incarceration and Reentry.

Patrons—Quayle and Hanger

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2101, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 8 consisting of sections numbered 2.2-2530 through 2.2-2533 as follows:

§ 2.2-2101. (Effective until July 1, 2008) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Council on Indians, who shall be appointed as provided for in § 2.2-2628; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Commission on Civics Education, who shall be appointed as provided for in § 22.1-212.18; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306; to members of the Commission on Incarceration and Reentry, who shall be appointed as provided for in § 2.2-2530; or to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109.

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Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the

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59 appointment of any member of the General Assembly to a board, commission, or council in the
60 executive branch of state government that is responsible for administering programs established by the
61 General Assembly, such portion of such law shall be void, and the Governor shall appoint another
62 person from the Commonwealth at large to fill such a position.

63 The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall
64 be appointed as provided for in § 54.1-901; to members of the Council on Indians, who shall be
65 appointed as provided for in § 2.2-2628; to members of the Board of Trustees of the Southwest Virginia
66 Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the
67 Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as
68 provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who
69 shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating
70 Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans
71 Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of
72 Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the
73 Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to
74 members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as
75 provided for in § 2.2-2423; to members of the Advisory Commission on the Virginia Schools for the
76 Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the
77 Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of
78 the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the
79 State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be
80 appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be
81 appointed as provided for in § 2.2-2669; to members of the Commission on Civics Education, who shall
82 be appointed as provided for in § 22.1-212.18; to members of the Volunteer Firefighters' and Rescue
83 Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to
84 members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306; to
85 members of the Commission on Incarceration and Reentry, who shall be appointed as provided for in
86 § 2.2-2530; or to members of the Forensic Science Board, who shall be appointed as provided for in
87 § 9.1-1109.

88 *Article 8.*

89 *Commission on Incarceration and Reentry.*

90 § 2.2-2530. *Virginia Commission on Incarceration and Reentry; purpose; membership; terms;*
91 *compensation; staff.*

92 *A. The Virginia Commission on Incarceration and Reentry (the Commission) is established as an*
93 *advisory commission within the meaning of § 2.2-2100, in the executive branch of state government. The*
94 *purpose of the Commission shall be to study, report, and make recommendations for dealing with the*
95 *impact of incarceration and prisoner reentry to society and related policies of the Commonwealth. The*
96 *Commission may make recommendations to the Secretary of Public Safety and coordinate the proposals*
97 *of all state agencies as to legislation and policies affecting prisoners in the Commonwealth.*

98 *B. The Commission shall consist of 21 members that include nine legislative members and 12*
99 *nonlegislative citizen members as follows: six members of the House of Delegates appointed by the*
100 *Speaker of the House in accordance with the principles of proportional representation contained in the*
101 *Rules of the House of Delegates; three members of the Senate appointed by the Senate Committee on*
102 *Rules; 12 nonlegislative citizen members appointed by the Governor that include one resident of the*
103 *Commonwealth with an immediate family member who is incarcerated, a resident of the Commonwealth*
104 *who has previously been incarcerated, a representative of a community organization with a program for*
105 *previously incarcerated individuals, a health care provider, a licensed educator, a representative of an*
106 *organization for correctional officers, a representative of an organization for minorities, and an active*
107 *or retired law-enforcement officer.*

108 *C. All nonlegislative citizen members shall be appointed for terms of four years. Legislative members*
109 *shall serve terms coincident with their terms of office. All members may be reappointed. However, no*
110 *House member shall serve more than four consecutive two-year terms, no Senate member shall serve*
111 *more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than*
112 *two consecutive four-year terms. Vacancies occurring other than by expiration of a term shall be filled*
113 *for the unexpired term. Vacancies shall be filled in the manner as the original appointments. The*
114 *remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in*
115 *determining the member's eligibility for reappointment.*

116 *D. The members of the Commission shall elect a chairman and a vice-chairman from among its*
117 *members. The Commission shall meet at the request of the chairman, the majority of the voting*
118 *members, or the Governor. A majority of the members of the Commission shall constitute a quorum.*

119 *E. Legislative members of the Commission shall receive such compensation as provided in*
120 *§ 30-19.12, and all members shall be reimbursed for all reasonable and necessary expenses incurred in*

121 the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

122 § 2.2-2531. Powers and duties of the Commission.

123 The Commission shall have the power and duty to:

124 1. Identify and develop strategies to (i) address key needs and overcome the barriers for offenders,
125 both prior to and upon leaving prison, (ii) reduce the incidence of reincarceration and increase the
126 successful social adaptation and integration of such individuals into the community and (iii) address the
127 effects of incarceration on children, families, communities, and the economy;

128 2. Gather and analyze information and data to accomplish its purposes as set forth in § 2.2-2530.

129 3. Monitor budget provisions and changes in the law to ensure maximum effectiveness;

130 4. Monitor prosecutorial practices and identify the extent to which racial and ethnic disparity can be
131 reduced in the criminal justice system; and

132 5. Examine the operations, management, jurisdiction, powers, and interrelationships of any
133 department, board, bureau, commission, authority, or other agency with any direct responsibility for
134 setting policy and managing services for incarcerated individuals in the Commonwealth.

135 § 2.2-2532. Staff; cooperation and assistance.

136 The Secretary of Public Safety shall provide staff assistance to the Commission. All agencies,
137 authorities, and institutions of the Commonwealth shall cooperate and provide such assistance to the
138 Commission as the Commission may request.

139 § 2.2-2533. Chairman's executive summary of activity and work of the Commission.

140 The chairman of the Commission shall submit to the Governor and the General Assembly an annual
141 executive summary of the interim activity and work of the Commission no later than the first day of
142 each regular session of the General Assembly. The executive summary shall be submitted as provided in
143 the procedures of the Division of Legislative Automated Systems for the processing of legislative
144 documents and reports and shall be posted on the General Assembly's website. The Commission may
145 make such interim reports to the Governor and the General Assembly as it deems advisable.

146 **2. That the initial appointments of nonlegislative citizen members in accordance with this act shall**
147 **be staggered as follows: four members shall be appointed for a two-year term, four members shall**
148 **be appointed for a three-year term, and four members shall be appointed for a four-year term.**