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SENATE BILL NO. 949

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 2, 2007)

(Patron Prior to Substitute—Senator Quayle)

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 2.2-2534, relating to the Virginia Commission on Incarceration and Reentry.

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 2.2-2534 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.

§ 2.2-2101. (Effective 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

60 person from the Commonwealth at large to fill such a position.

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

86 Article 8.

87 Commission on Incarceration and Reentry.

88 § 2.2-2530. Virginia Commission on Incarceration and Reentry; purpose; membership; terms;
89 compensation; staff.

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

96 B. The Commission shall consist of 20 members that include eight legislative members and 12
97 nonlegislative citizen members as follows: five members of the House of Delegates appointed by the
98 Speaker of the House in accordance with the principles of proportional representation contained in the
99 Rules of the House of Delegates; three members of the Senate appointed by the Senate Committee on
100 Rules; 12 nonlegislative citizen members appointed by the Governor that include one resident of the
101 Commonwealth with an immediate family member who is incarcerated, a resident of the Commonwealth
102 who has previously been incarcerated, a representative of a community organization with a program for
103 previously incarcerated individuals, a health care provider, a licensed educator, a representative of an
104 organization for correctional officers, a representative of an organization for minorities, and an active
105 or retired law-enforcement officer.

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

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

117 E. Legislative members of the Commission shall receive such compensation as provided in
118 § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of
119 their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and
120 necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.
121 Funding for the costs of compensation and expenses of the members shall be provided by the Office of

the Secretary of Public Safety.

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

The Commission shall have the power and duty to:

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

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

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

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

5. Provide recommendations to the appropriate executive branch agency regarding the operations, management, jurisdiction, powers, and interrelationships of any department, board, bureau, commission, authority, or other agency with any direct responsibility for setting policy and managing services for incarcerated individuals in the Commonwealth.

§ 2.2-2532. Staff; cooperation and assistance.

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

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

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

§ 2.2-2534. Sunset. 2010.

This chapter shall expire on July 1, 2010.

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