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HOUSE BILL NO. 397
Offered January 11, 2012
Prefiled January 10, 2012
A BILL to amend and reenact § 2.2-3703 of the Code of Virginia, relating to guidance documents of the Virginia Parole Board; Freedom of Information Act.

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Patron—Hope

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Referred to Committee on General Laws

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Be it enacted by the General Assembly of Virginia:
1. That § 2.2-3703 of the Code of Virginia is amended and reenacted as follows:
§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.
A. The provisions of this chapter shall not apply to:
1. The Virginia Parole Board, except that (i) information from the Virginia Parole Board providing the number of inmates considered by such Board for discretionary parole, the number of inmates granted or denied parole, and the number of parolees returned to the custody of the Department of Corrections solely as a result of a determination by such Board of a violation of parole shall be open to inspection and available for release, on a monthly basis, as provided by § 2.2-3704*; (ii) all guidance documents, as defined in § 2.2-4001, shall be public records and subject to the provisions of this chapter;* and ~~(ii)~~ *(iii)* all records concerning the finances of the Virginia Parole Board shall be public records and subject to the provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information. *The information required by clause (ii) shall include, but not be limited to, all documents establishing the policy of the Board or any change in or clarification of such policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or the process for consideration thereof, and shall be clearly and conspicuously posted on the Board's website. However, such information shall not include any portion of any document reflecting the application of any policy or policy change or clarification of such policy to an individual inmate.*
2. Petit juries and grand juries;
3. Family assessment and planning teams established pursuant to § 2.2-5207;
4. The Virginia State Crime Commission; and
5. The records required by law to be maintained by the clerks of the courts of record, as defined in § 1-212, and courts not of record, as defined in § 16.1-69.5. However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.
B. Public access to voter registration and election records shall be governed by the provisions of Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.
C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such persons from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.
2. That the Virginia Freedom of Information Advisory Council shall submit to the Chairmen of the House and Senate Committees on General Laws a report not later than December 1, 2012, setting forth how the provisions of this Act are to be implemented.
3. That the provisions of this act shall become effective on July 1, 2013.