

13103619D

HOUSE JOINT RESOLUTION NO. 745

Offered January 16, 2013

Directing the Virginia Freedom of Information Advisory Council to study whether the Virginia Freedom of Information Act, specifically § 2.2-3703 of the Code of Virginia, should be amended to eliminate any exemption from the Virginia Freedom of Information Act not otherwise generally applicable to other public bodies of the Commonwealth. Report.

Patron—Hope

Referred to Committee on Rules

WHEREAS, in enacting the Virginia Freedom of Information Act (FOIA) (§ 2.2-3700 et seq. of the Code of Virginia), the Virginia General Assembly determined that "[t]he affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government"; and

WHEREAS, the General Assembly further determined in enacting FOIA that its provisions "shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government"; and

WHEREAS, the General Assembly established in 1999 a unique exemption from the foregoing principles applicable to the Virginia Parole Board; and

WHEREAS, since that time, the Virginia Parole Board has substantially reduced the rate at which it has granted parole to those inmates determined by the General Assembly to have served sufficient time to be eligible for consideration for parole and has granted geriatric release to very few inmates who have reached the age determined by the General Assembly to be eligible for geriatric release; and

WHEREAS, the actions of the Virginia Parole Board in denying or revoking parole or denying geriatric release have substantial impact on the lives and liberty of those many inmates whose offenses were committed prior to 1995 and who remain eligible for parole, as well as on the lives of their family members; and

WHEREAS, the Commonwealth has a substantial interest in ensuring public confidence in decisions of the Virginia Parole Board, particularly in light of the significant budgetary impact associated with continued incarceration of inmates eligible for parole or geriatric release, many hundreds of whom have now already been found by the Virginia Criminal Sentencing Commission to have been incarcerated longer than they would have been had they been subject to the guidelines in effect for the same offenses committed after 1995, for which they would have been ineligible for parole; and

WHEREAS, the Virginia Parole Board has published no policies or procedures other than its Policy Manual and Administrative Procedures Manual, which provides only limited information concerning its policies and procedures governing consideration of inmates for parole and geriatric release; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Freedom of Information Advisory Council be directed to study whether the Virginia Freedom of Information Act, specifically § 2.2-3703 of the Code of Virginia, should be amended to eliminate any exemption from the Virginia Freedom of Information Act not otherwise generally applicable to other public bodies of the Commonwealth.

In conducting its study, the Virginia Freedom of Information Advisory Council shall review the extent to which similar exemptions apply to paroling authorities in other states or under the federal Freedom of Information Act; seek and consider comment from the Virginia Parole Board, print and electronic media sources, and interested members of the public; and examine whether any concerns identified by commenters that are not already adequately addressed by generally applicable exemptions from the Virginia Freedom of Information Act might be appropriate for more specific exemptions or redactions.

All agencies of the Commonwealth shall provide assistance to the Virginia Freedom of Information Advisory Council for this study, upon request.

The Virginia Freedom of Information Advisory Council shall complete its meetings by November 30, 2013, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2014 Regular Session of the General Assembly. The executive summary shall state whether the Virginia Freedom of Information Advisory Council intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated

INTRODUCED

HJ745

59 Systems for the processing of legislative documents and reports and shall be posted on the General
60 Assembly's website.