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HOUSE JOINT RESOLUTION NO. 622

Offered January 14, 2015

Prefiled January 13, 2015

Establishing a joint subcommittee to study alternative sentencing for possession of certain drugs. Report.

Patrons—Herring; Senator: Saslaw

Referred to Committee on Rules

WHEREAS, alternative sentencing programs involve basic principles, including rehabilitation and education; and

WHEREAS, these programs aimed at nonviolent offenders have proven more effective at rehabilitation than incarceration; and

WHEREAS, diversion can help states and local governments avoid overcrowding in jails and prisons and may also provide a monetary savings in many cases; and

WHEREAS, individuals convicted of distributing or possessing Schedule I or II drugs are more likely to go to prison and for a longer term when compared to Schedule III drugs; and

WHEREAS, hydrocodone, for example, represents 70 percent of Schedule III drug cases; and

WHEREAS, diverting drug offenders from incarceration should be considered in a number of offense categories; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study alternative sentencing for possession of certain drugs. The joint subcommittee shall have a total membership of nine members that shall consist of seven legislative members and two nonlegislative citizen members. Members shall be appointed as follows: five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; one nonlegislative citizen member who is an elected attorney for the Commonwealth to be appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member who is an elected attorney for the Commonwealth to be appointed by the Senate Committee on Rules. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall determine (i) components of a successful diversion program, (ii) existing diversion programs and their success or failure rate, (iii) cost savings resulting from the use of diversion programs versus incarceration, (iv) expenses resulting from diversion programs, and (v) the impact of rescheduling hydrocodone as a Schedule II drug.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Virginia Criminal Sentencing Commission. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2015 interim, and the direct costs of this study shall not exceed \$13,160 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2015, 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 2016 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee 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 the report shall be submitted as provided in the

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59 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
60 and reports and shall be posted on the General Assembly's website.
61 Implementation of this resolution is subject to subsequent approval and certification by the Joint
62 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
63 delay the period for the conduct of the study, or authorize additional meetings during the 2015 interim.