

ENROLLED
HB1734ER

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-3703 of the Code of Virginia, relating to the Virginia Freedom of*
3 *Information Act; guidance documents of the Virginia Parole Board.*

4 [H 1734]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 2.2-3703 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and**
9 **election records; access by persons incarcerated in a state, local, or federal correctional facility.**

10 A. The provisions of this chapter shall not apply to:

11 1. The Virginia Parole Board, except that (i) information from the Virginia Parole Board providing
12 the number of inmates considered by ~~such~~ *the* Board for discretionary parole, the number of inmates
13 granted or denied parole, and the number of parolees returned to the custody of the Department of
14 Corrections solely as a result of a determination by ~~such~~ *the* Board of a violation of parole shall be open
15 to inspection and available for release, on a monthly basis, as provided by § 2.2-3704 ~~and~~; (ii) *all*
16 *guidance documents, as defined in § 2.2-4001, shall be public records and subject to the provisions of*
17 *this chapter; and (iii) all records concerning the finances of the Virginia Parole Board shall be public*
18 *records and subject to the provisions of this chapter. The information required by clause (i) shall be*
19 *furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained,*
20 *upon the request of the party seeking the information. The information required by clause (ii) shall*
21 *include all documents establishing the policy of the Board or any change in or clarification of such*
22 *policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or*
23 *the process for consideration thereof, and shall be clearly and conspicuously posted on the Board's*
24 *website. However, such information shall not include any portion of any document reflecting the*
25 *application of any policy or policy change or clarification of such policy to an individual inmate;*

26 2. Petit juries and grand juries;

27 3. Family assessment and planning teams established pursuant to § 2.2-5207;

28 4. The Virginia State Crime Commission; and

29 5. The records required by law to be maintained by the clerks of the courts of record, as defined in
30 § 1-212, and courts not of record, as defined in § 16.1-69.5. However, other records maintained by the
31 clerks of such courts shall be public records and subject to the provisions of this chapter.

32 B. Public access to voter registration and election records shall be governed by the provisions of
33 Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

34 C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to
35 afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether
36 or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections
37 Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent
38 Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such
39 persons from exercising their constitutionally protected rights, including, but not limited to, their right to
40 call for evidence in their favor in a criminal prosecution.