

2018 SESSION

SENATE SUBSTITUTE

18107540D

HOUSE BILL NO. 1055

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 21, 2018)

(Patron Prior to Substitute—Delegate Herring)

A BILL to amend and reenact § 17.1-100 of the Code of Virginia, relating to discretionary sentencing guidelines; judicial performance evaluation program.

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-100 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-100. Judicial performance evaluation program.

A. The Supreme Court, by rule, shall establish and maintain a judicial performance evaluation program that will provide a self-improvement mechanism for judges and a source of information for the reelection process. By December 1 of each year, the Supreme Court, or its designee, shall transmit a report of the evaluation in the final year of the term of each justice and judge whose term expires during the next session of the General Assembly to the Chairmen of the House and Senate Committees for Courts of Justice. *Such report shall include the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § 19.2-298.01. The Virginia Criminal Sentencing Commission shall provide such information to the Supreme Court by November 1.*

B. The reporting requirement of this section shall become effective when funds are appropriated for this program and shall apply to the evaluation of any justice or judge who has had at least one interim evaluation conducted during his term. For any judge or justice elected or reelected on or after January 1, 2014, an interim evaluation of each individual justice or judge shall be completed during his term. Such interim evaluation shall be commenced by the judicial performance evaluation program no later than the midpoint of his term.

C. All records created or maintained by or on behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge are confidential and shall not be disclosed, except that any report provided to the General Assembly pursuant to this section shall be a public record that is open to inspection.

SENATE SUBSTITUTE

HB1055S1