

2018 SESSION

INTRODUCED

18100811D

SENATE BILL NO. 100

Offered January 10, 2018

Prefiled December 12, 2017

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 18 of Title 19.2 a section numbered 19.2-310.1:1, relating to new sentencing hearing; abolition of parole.*

Patron—McClellan

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 18 of Title 19.2 a section numbered 19.2-310.1:1 as follows:

§ 19.2-310.1:1. Sentencing hearing for person sentenced for a nonviolent felony committed on or after January 1, 1995, and prior to June 9, 2000.

Notwithstanding any other provision of law, any person who was sentenced by a jury prior to June 9, 2000, for a felony offense that is not a violent felony as defined in § 17.1-805 committed on or after January 1, 1995, where the jury was not instructed on the abolition of parole and who is presently incarcerated for such offense shall be entitled to a new sentencing proceeding. Such person shall file a petition for a new sentencing proceeding with the circuit court in which the order of conviction was originally entered on a form provided by the Supreme Court. The circuit court shall empanel a new jury for the purpose of conducting the new sentencing proceeding and shall notify the attorney for the Commonwealth for the county or city in which the circuit court is located. Such sentencing proceeding shall be conducted in accordance with the provisions of this article. Upon agreement of the attorney for the Commonwealth and the person who files a petition for a new sentencing hearing, such person may waive his right to a new sentencing proceeding and allow the court to fix punishment. No sentence imposed pursuant to this section may exceed the sentence originally imposed upon the person.

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