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HOUSE JOINT RESOLUTION NO. 65

Offered January 8, 2020

Prefiled January 6, 2020

Directing the Virginia State Crime Commission to study the classification of certain crimes as violent felonies and the impact of reducing sentence lengths for criminal violations on recidivism. Report.

Patron—Hope

Referred to Committee on Rules

WHEREAS certain crimes are classified as "violent felony offenses" pursuant to § 17.1-805 of the Code of Virginia; and

WHEREAS, the 2015 Governor's Commission on Parole found that persons convicted of violent felonies who are then labeled as "violent offenders" face major impediments to incarceration alternatives, which often results in longer prison terms, and face significant barriers to rehabilitative, self-improvement, and reentry programs; and

WHEREAS, the 2015 Governor's Commission on Parole found that eliminating certain offenses from the designation of a "violent felony offense" would reduce the levels of incarceration, recidivism, and difficulties associated with reentering the community by removing burdensome and counter-productive impediments to incarceration alternatives and by eliminating obstacles to appropriate rehabilitation, self-improvement, and reentry programs; and

WHEREAS, truth-in-sentencing laws in Virginia have established midpoints for sentencing guidelines that are designed to double, triple, or quintuple average time served for certain violent offenses; and

WHEREAS, the current midpoints for sentencing guidelines have no evidence-based foundation; and WHEREAS, the American Bar Association Criminal Justice Sentencing Standards provide that state legislatures should reexamine legislative policies regarding criminal sentencing in light of the pattern of sentences imposed and executed; and

WHEREAS, the American Law Institute has found that there is widespread agreement that general deterrence is better effected through increases in certainty of punishment following criminal conduct than through the increase of threatened sanctions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the classification of certain crimes as violent felonies and the impact of reducing sentence lengths for criminal violations on recidivism.

In conducting its study, the Virginia State Crime Commission shall (i) evaluate the current list of felony offenses classified as "violent felony offenses" pursuant to § 17.1-805 of the Code of Virginia, including the specific list of offenses recommended for removal from such classification by the 2015 Governor's Commission on Parole; (ii) determine the number of individuals who are convicted of such offenses and at what rate those convictions occur; (iii) determine the effect classification of certain crimes as violent felonies has on an individual with respect to incarceration length, incarceration alternatives, rehabilitation programs, self-improvement programs, and reentry programs; (iv) determine if removal of offenses from such classification will reduce levels of incarceration, recidivism, and difficulties associated with reentering the community; (v) determine which offenses should be removed from classification as violent felonies; (vi) examine the length of sentences for violent offenses and nonviolent offenses and the use of sentencing guidelines for such offenses in Virginia; (vii) examine the impact of reducing sentence length on recidivism, including examining lengths of sentences, limits on probation, and recidivism data in other states; and (viii) determine any cost savings, other benefits, or other consequences that could result from the removal of certain crimes from classification as violent felonies and the reduction of sentence lengths.

Technical assistance shall be provided to the Virginia State Crime Commission by the Virginia Criminal Sentencing Commission. All agencies of the Commonwealth shall provide assistance to the Virginia State Crime Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2020, 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 2021 Regular Session of the General Assembly. The executive summary shall state whether the Virginia State Crime Commission 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 Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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