

2020 SPECIAL SESSION I

SENATE SUBSTITUTE

20201188D

HOUSE BILL NO. 5108

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary
on September 16, 2020)

(Patron Prior to Substitute—Delegate Guzman)

A BILL to amend and reenact §§ 9.1-108 and 9.1-112 of the Code of Virginia, relating to the Criminal Justice Services Board; Committee on Training; membership and responsibilities.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-108 and 9.1-112 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-108. Criminal Justice Services Board membership; terms; vacancies; members not disqualified from holding other offices; designation of chairmen; meetings; compensation.

A. The Criminal Justice Services Board is established as a policy board within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of ~~29~~ 31 members as follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General or his designee; the Superintendent of the Department of State Police; the Director of the Department of Corrections; the Director of the Department of Juvenile Justice; the Chairman of the Parole Board; the Executive Director of the Virginia Indigent Defense Commission or his designee; and the Executive Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the Department of Corrections, the Director of the Department of Juvenile Justice, or the Chairman of the Parole Board will be absent from a Board meeting, he may appoint a member of his staff to represent him at the meeting.

~~Seventeen~~ Nineteen members shall be appointed by the Governor from among citizens of the Commonwealth. At least one shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01, *one shall be an attorney representing civil liberty groups, one shall be a mental health service provider*, and one shall represent community interests of *minority individuals from one of the four groups defined in subsection F of § 2.2-4310*. The remainder shall be representative of the broad categories of state and local governments, criminal justice systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally elected and appointed administrative and legislative officials. Among these members there shall be two sheriffs representing the Virginia Sheriffs' Association selected from among names submitted by the Association; one member who is an active duty law-enforcement officer appointed after consideration of the names, if any, submitted by police or fraternal associations that have memberships of at least 1,000; two representatives of the Virginia Association of Chiefs of Police appointed after consideration of the names submitted by the Association, if any; one attorney for the Commonwealth appointed after consideration of the names submitted by the Virginia Association of Commonwealth's Attorneys, if any; one person who is a mayor, city or town manager, or member of a city or town council representing the Virginia Municipal League appointed after consideration of the names submitted by the League, if any; one person who is a county executive, manager, or member of a county board of supervisors representing the Virginia Association of Counties appointed after consideration of the names submitted by the Association, if any; one member representing the Virginia Association of Campus Law Enforcement Administrators appointed after consideration of the names submitted by the Association, if any; one member of the Private Security Services Advisory Board; and one representative of the Virginia Association of Regional Jails appointed after consideration of the names submitted by the Association, if any.

Four members of the Board shall be members of the General Assembly appointed as follows: one member of the House Committee on Appropriations appointed by the Speaker of House of Delegates after consideration of the recommendation by the committee's chairman; one member of the House Committee for Courts of Justice appointed by the Speaker of the House of Delegates after consideration of the recommendation by the committee's chairman; one member of the Senate Committee on Finance appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman of the Senate Committee on Finance; and one member of the Senate Committee for Courts of Justice appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman of the Senate Committee for Courts of Justice. The legislative members shall serve for terms coincident with their terms of office and shall serve as ex officio, nonvoting members. Legislative members may be reappointed for successive terms.

B. The members of the Board appointed by the Governor shall serve for terms of four years, provided that no member shall serve beyond the time when he holds the office or employment by

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60 reason of which he was initially eligible for appointment. Gubernatorial appointed members of the Board
61 shall not be eligible to serve for more than two consecutive full terms. Three or more years within a
62 four-year period shall be deemed a full term. Any vacancy on the Board shall be filled in the same
63 manner as the original appointment, but for the unexpired term.

64 C. The Governor shall appoint a chairman of the Board for a two-year term. No member shall be
65 eligible to serve more than two consecutive terms as chairman. The Board shall designate one or more
66 vice-chairmen from among its members, who shall serve at the pleasure of the Board.

67 D. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the
68 contrary, membership on the Board shall not disqualify any member from holding any other public
69 office or employment, or cause the forfeiture thereof.

70 E. The Board shall hold no less than four regular meetings a year. Subject to the requirements of this
71 subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon
72 written request of any five members of the Board.

73 F. The Board may adopt bylaws for its operation.

74 G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and
75 nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for the
76 performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses
77 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the
78 costs of compensation and expenses of the members shall be provided by the Department of Criminal
79 Justice Services.

80 **§ 9.1-112. Committee on Training; membership.**

81 There is created a permanent Committee on Training under the Board that shall be the policy-making
82 body responsible to the Board for effecting the provisions of subdivisions 2 through 17 of § 9.1-102.
83 The Committee on Training shall be composed of ~~15~~ 17 members of the Board as follows: the
84 Superintendent of the Department of State Police; the Director of the Department of Corrections; a
85 member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court
86 of Virginia; two sheriffs representing the Virginia State Sheriffs' Association; two representatives
87 of the Virginia Association of Chiefs of Police Association; the active-duty law-enforcement officer
88 representing police and fraternal associations; the attorney for the Commonwealth representing the
89 Virginia Association of Commonwealth's Attorneys; *an attorney representing the Virginia Indigent*
90 *Defense Commission*; a representative of the Virginia Municipal League; a representative of the Virginia
91 Association of Counties; *an attorney representing civil liberty groups; a mental health service provider;*
92 a regional jail superintendent representing the Virginia Association of Regional Jails; *and one citizen*
93 *representing community interests; and one member designated by the chairman of the Board from*
94 *among the other appointments made by the Governor of minority individuals from one of the four*
95 *groups defined in subsection F of § 2.2-4310.*

96 The Committee on Training shall annually elect its chairman from among its members.

97 *The Committee on Training may appoint curriculum review committees to assist the Committee on*
98 *Training in carrying out its duties under this section. Any curriculum review committee shall be*
99 *composed of nine members appointed by the Committee on Training. At least one member shall be a*
100 *representative from the Department of State Police Training Academy, one member shall be a*
101 *representative of a regional criminal justice academy, one member shall be a representative of an*
102 *independent criminal justice academy, and one member shall be a representative of a community-based*
103 *organization. The remainder shall be selected from names submitted by the Department of individuals*
104 *with relevant experience.*