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SENATE BILL NO. 723

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 24, 2020)

(Patron Prior to Substitute—Senator McClellan)

A BILL to require the Department of Criminal Justice Services to implement a pilot program for uniform reporting mechanisms for criminal justice agencies to collect data relating to bail determinations.

Be it enacted by the General Assembly of Virginia:

1. § 1. The Department of Criminal Justice Services (the Department) in partnership with one or more local jurisdictions selected by the Department shall develop and implement a pilot program for uniform reporting mechanisms for appropriate criminal justice agencies, as defined in § 9.1-101 of the Code of Virginia, to collect data relating to bail determinations made by judicial officers conducting hearings pursuant to § 19.2-80, 19.2-120, or 19.2-124 of the Code of Virginia, in order to facilitate the purpose of Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 of the Code of Virginia. Collected data shall be disaggregated by individual. In order to maintain anonymity of the individual, the Department and local jurisdiction shall use a unique identifier for each individual. The minimum required data collected by the Department shall include:

1. The hearing date of any hearing conducted pursuant to § 19.2-80, 19.2-120, or 19.2-124 of the Code of Virginia and the date any individual is admitted to bail;

2. Information about the individual, including the individual's year of birth, race, ethnicity, gender, primary language, and residential zip code;

3. The determination of the individual's indigency pursuant to § 19.2-159 of the Code of Virginia;

4. Information related to the individual's charges, including the number of charges; the most serious offense the individual is charged with; the code section for such offense; the general description of such offense; whether such offense is a felony, misdemeanor, civil infraction, or other type of offense; and the specific classification of any felony or misdemeanor offense;

5. If the individual is admitted to bail, information related to the conditions of bail and the bond, including (i) whether the bond was secured or unsecured; (ii) all monetary amounts set on the bond, including amounts set on both secured and unsecured bonds; (iii) any initial nonmonetary conditions of release imposed; (iv) any subsequent modifications; and (v) whether the individual utilized the services of a bail bondsman;

6. If the individual is not admitted to bail, the reason for the denial;

7. Any outstanding arrest warrants or other bars to release from any other jurisdiction;

8. Any revocation of bail due to a violation of such individual's conditions of release, failure to appear for a court hearing, or the commission of a new offense by such individual;

9. The date the individual is sentenced to an active term of incarceration and the date such individual begins serving such active term;

10. All dates the individual is released or discharged from custody, including release upon satisfaction of the terms of any recognizance, release upon the disposition of any charges, or release upon completion of any active sentence;

11. The reason for any release or discharge from custody, including whether the individual posted a bond, was released on a recognizance, or was released under terms of supervision, or whether there was a disposition of the charges that resulted in release of the individual. If the reason for release is due to a court order or a disposition of the charges resulting in release, the data collected shall include the specific reason for release, including the nature of the court order or, if there was a conviction, the particular sentence imposed. The data shall also include a list of definitions of any terms used by the locality to indicate reasons for release or discharge; and

12. The average cost for housing the individual in the local correctional facility, as defined in § 53.1-1 of the Code of Virginia, for one night.

The Department shall report to the House Committee for Courts of Justice and the Senate Committee on the Judiciary by October 1, 2020, on the development and application of the uniform reporting mechanisms and the findings of the pilot program. The Department shall have access to the data from and consider prior studies of the Virginia State Crime Commission pertaining to pretrial data and process and any other relevant information necessary to carry out the requirements created by this act.