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SENATE JOINT RESOLUTION NO. 285

Offered January 13, 2021
Prefiled January 11, 2021

Continuing the Joint Subcommittee to Study Barrier Crimes and Criminal History Records Checks. Report.

Patrons—Edwards and Mason

Referred to Committee on Rules

WHEREAS, Senate Joint Resolution No. 35 (2020) established the Joint Subcommittee to Study Barrier Crimes and Criminal History Records Checks to develop recommendations related to (i) whether statutory provisions related to criminal history records checks, barrier crimes, and barrier crime exceptions should be reorganized and consolidated into a central location in the Code of Virginia; (ii) whether certain crimes should be removed from the list of barrier crimes; (iii) whether barrier crime exceptions and waiver processes should be broadened; (iv) whether the required amount of time that must lapse after conviction of certain barrier crimes should be shortened; and (v) other changes that could be made to criminal history records check and barrier crimes requirements that would improve the organization, effectiveness, and fairness of such provisions; and

WHEREAS, the Joint Subcommittee to Study Barrier Crimes and Criminal History Records Checks met in 2020 and has undertaken extensive work in (i) reviewing the laws of the Commonwealth governing barrier crimes and criminal history records checks and (ii) discussing a work plan for the joint subcommittee to carry out its work; and

WHEREAS, due to scheduling conflicts as a result of the COVID-19 pandemic and the 2020 Special Session, the Joint Subcommittee to Study Barrier Crimes and Criminal History Records Checks was unable to hold a sufficient number of meetings to address all of the issues posed in Senate Joint Resolution 35 (2020), and it has become evident that additional work is required to meet the objectives of Senate Joint Resolution 35 (2020); now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Subcommittee to Study Barrier Crimes and Criminal History Records Checks be continued. The joint subcommittee shall have a total membership of 11 members that shall consist of two members of the Senate appointed by the Senate Committee on Rules; four members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen-at-large appointed by the Senate Committee on Rules; one nonlegislative citizen-at-large appointed by the Speaker of the House of Delegates; and the Commissioners of the Departments of Behavioral Health and Developmental Services, Health, and Social Services, or their designees to serve ex officio with nonvoting privileges. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. The current members appointed by the Senate Committee on Rules shall continue to serve until replaced. The current members appointed by the Speaker of the House of Delegates shall be subject to reappointment. Vacancies shall be filled by the original appointing authority. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall continue the work it has begun with regard to developing recommendations related to (i) the laws of the Commonwealth relating to barrier crimes and criminal history records checks; (ii) addressing issues related to the underlying structural organization of provisions relating to barrier crimes in the Code of Virginia; (iii) determining whether barrier crime exceptions and waiver processes should be broadened; (iv) determining whether the required amount of time that must lapse after conviction of certain barrier crimes should be shortened; (v) recommending statutory or regulatory changes needed to improve the Commonwealth's requirements related to barrier crimes and criminal history records checks; and (vi) addressing other issues recommended by the joint subcommittee to study, such as collateral consequences and private background check companies.

Administrative staff support shall continue to be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall continue to be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

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The joint subcommittee shall be limited to four meetings for the 2021 interim, and the direct costs of this study shall not exceed $13,680 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members or a majority of the House members appointed to the joint subcommittee (a) vote against the recommendation and (b) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2021, 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 2022 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee 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.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2021 interim.