

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-3703 of the Code of Virginia, relating to the Virginia Freedom of*
 3 *Information Act; Virginia Parole Board member votes.*

4 [H 1303]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-3703 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and**
 9 **election records; access by persons incarcerated in a state, local, or federal correctional facility.**

10 A. The provisions of this chapter shall not apply to:

11 1. The Virginia Parole Board (*the Board*), except that (i) information from the ~~Virginia Parole Board~~
 12 providing the number of inmates considered by the Board for discretionary parole, the number of
 13 inmates granted or denied parole, and the number of parolees returned to the custody of the Department
 14 of Corrections solely as a result of a determination by the Board of a violation of parole shall be open
 15 to inspection and available for release, on a monthly basis, as provided by § 2.2-3704; (ii) all guidance
 16 documents, as defined in § 2.2-4101, shall be public records and subject to the provisions of this
 17 chapter; ~~and~~ (iii) all records concerning the finances of the ~~Virginia Parole Board~~ shall be public records
 18 and subject to the provisions of this chapter; *and (iv) individual Board member votes shall be public*
 19 *records and subject to the provisions of this chapter.* The information required by clause (i) shall be
 20 furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained,
 21 upon the request of the party seeking the information. The information required by clause (ii) shall
 22 include all documents establishing the policy of the Board or any change in or clarification of such
 23 policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or
 24 the process for consideration thereof, and shall be clearly and conspicuously posted on the Board's
 25 website. However, such information shall not include any portion of any document reflecting the
 26 application of any policy or policy change or clarification of such policy to an individual inmate;

27 2. Petit juries and grand juries;

28 3. Family assessment and planning teams established pursuant to § 2.2-5207;

29 4. Sexual assault response teams established pursuant to § 15.2-1627.4, except that records relating to
 30 (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's
 31 response established by the sexual assault response team shall be public records and subject to the
 32 provisions of this chapter;

33 5. Multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5;

34 6. The Virginia State Crime Commission; and

35 7. The records maintained by the clerks of the courts of record, as defined in § 1-212, for which
 36 clerks are custodians under § 17.1-242, and courts not of record, as defined in § 16.1-69.5, for which
 37 clerks are custodians under § 16.1-69.54, including those transferred for storage, maintenance, or
 38 archiving. Such records shall be requested in accordance with the provisions of §§ 16.1-69.54:1 and
 39 17.1-208, as appropriate. However, other records maintained by the clerks of such courts shall be public
 40 records and subject to the provisions of this chapter.

41 B. Public access to voter registration and election records shall be governed by the provisions of
 42 Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

43 C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to
 44 afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether
 45 or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections
 46 Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent
 47 Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such
 48 persons from exercising their constitutionally protected rights, including, but not limited to, their right to
 49 call for evidence in their favor in a criminal prosecution.

ENROLLED

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