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HOUSE BILL NO. 435

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety)

(Patron Prior to Substitute—Delegate Wright)

House Amendments in [] — February 3, 2022

A BILL to amend and reenact §§ 53.1-154 and 53.1-155 of the Code of Virginia, relating to powers and duties of the Parole Board.

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-154 and 53.1-155 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-154. Times at which Virginia Parole Board to review cases.

The Virginia Parole Board shall by regulation divide each calendar year into such equal parts as it may deem appropriate to the efficient administration of the parole system. Unless there be reasonable cause for extension of the time within which to review and decide a case, the Board shall review and decide the case of each prisoner no later than that part of the calendar year in which he becomes eligible for parole, and at least annually [(i)] every three years thereafter, until he is released on parole or discharged, except that upon any such review the Board may schedule the next review as much as three years thereafter, provided that there are ten 10 years or more or life imprisonment remaining on the sentence in such case [, or (ii) annually thereafter, until he is released on parole or discharged, if there are fewer than 10 years remaining on the sentence in such case] . Notwithstanding any other provision of this article, in the case of a parole revocation, if such person is otherwise eligible for parole, the Board shall review and decide his case no later than that part of the calendar year one year subsequent to the part of the calendar year in which he was returned to a facility as provided in § 53.1-161. Thereafter, his case shall be reviewed as specified in this section. The Board, in addition, may review the case of any prisoner eligible for parole at any other time and may review the case of any prisoner prior to that part of the year otherwise specified. In the discretion of the Board, interviews may be conducted by the Board or its representatives and may be either public or private.

§ 53.1-155. Investigation prior to release; transition assistance.

A. No person shall be released on parole by the Board until a thorough investigation has been made into the prisoner's history, physical and mental condition, and character and his conduct, employment, and attitude while in prison. *If applicable, the Board shall review in its entirety the transcript from the trial that resulted in the conviction or convictions for which the prisoner is currently serving a term of imprisonment.* The Board shall also determine that his release on parole will not be incompatible with the interests of society or of the prisoner. The provisions of this section shall not be applicable to persons released on parole pursuant to § 53.1-159.

B. An investigation conducted pursuant to this section shall include notification that a victim may submit to the Virginia Parole Board evidence concerning the impact that the release of the prisoner will have on such victim. This notification shall be sent to the last address provided to the Board by any victim of a crime for which the prisoner was incarcerated. If additional victim research is necessary, electronic notification shall be sent to the attorney for the Commonwealth and the director of the victim/witness program, if one exists, of the jurisdiction in which the offense occurred. The Board shall endeavor diligently to contact the victim prior to making any decision to release any inmate on discretionary parole. The victim of a crime for which the prisoner is incarcerated may present to the Board oral or written testimony concerning the impact that the release of the prisoner will have on the victim, and the Board shall consider such testimony in its review. Once testimony is submitted by a victim, such testimony shall remain in the prisoner's parole file and shall be considered by the Board at every parole review. The victim of a crime for which the prisoner is incarcerated may submit a request in writing or by electronic means to the Board to be notified of (i) the prisoner's parole eligibility date and mandatory release date as determined by the Department of Corrections, (ii) any parole-related interview dates, and (iii) the Board's decision regarding parole for the prisoner. The victim may request that the Board only notify the victim if, following its review, the Board is inclined to grant parole to the prisoner, in which case the victim shall have ~~forty-five~~ 45 days to present written or oral testimony for the Board's consideration. If the victim has requested to be notified only if the Board is inclined to grant parole and no testimony, either written or oral, is received from the victim within at least ~~forty-five~~ 45 days of the date of the Board's notification, the Board shall render its decision based on information available to it in accordance with subsection A. The definition of victim in § 19.2-11.01 shall apply to this section.

Although any information presented by the victim of a crime for which the prisoner is incarcerated shall be retained in the prisoner's parole file and considered by the Board, such information shall not infringe on the Board's authority to exercise its decision-making authority.

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60 C. Notwithstanding the provisions of subsection A, if a physical or mental examination of a prisoner
61 eligible for parole has been conducted within the last ~~twelve~~ 12 months, and the prisoner has not
62 required medical or psychiatric treatment within a like period while incarcerated, the prisoner may be
63 released on parole by the Parole Board directly from a local correctional facility.

64 The Department shall offer each prisoner to be released on parole or under mandatory release who
65 has been sentenced to serve a term of imprisonment of at least three years the opportunity to participate
66 in a transition program within six months of such prisoner's projected or mandatory release date. The
67 program shall include advice for job training opportunities, recommendations for living a law-abiding
68 life, and financial literacy information. The Secretary of Public Safety and Homeland Security shall
69 prescribe guidelines to govern these programs.