

1995 SESSION

INTRODUCED

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HOUSE JOINT RESOLUTION NO. 473

Offered January 18, 1995

Requesting the State Crime Commission to study retention of juvenile criminal history records and to develop appropriate legislative recommendations to address the effect of juvenile record expungement on criminal justice.

Patrons—Copeland, Almand, Ball, Cunningham, Guest, Heilig, Moss and Woodrum

Referred to Committee on Rules

WHEREAS, the Virginia General Assembly passed legislation in 1994 which allows for the use of a bifurcated trial procedure in all jury felony cases; and

WHEREAS, the bifurcated trial procedure allows a jury to receive the defendant's record of prior convictions, including his juvenile record of offenses which would be classified as felonies if committed by an adult; and

WHEREAS, the legislation abolishing parole established a Sentencing Commission to develop sentencing guidelines for use by the judiciary, and

WHEREAS, the initial sentencing guidelines enacted provide for enhanced penalties for certain violent offenses or a history of convictions for violent offenses, including violent juvenile offenses; and

WHEREAS, current Virginia law provides for the expungement of juvenile records after a period of time, with records in most cases destroyed before the offender's 29th birthday; and

WHEREAS, prior to expungement, such records are protected in the Central Criminal Records Exchange by law governing confidentiality of juvenile records; and

WHEREAS, the lack of access to juvenile criminal records could affect the sentencing outcome of a bifurcated felony trial and could affect penalties imposed for violent offenses by potentially representing the defendant's criminal past incompletely; now, therefore, be it

RESOLVED by the House of Delegates the Senate concurring, That the State Crime Commission be directed to develop legislative proposals for the 1996 Session of the General Assembly to address the issue of retention and access to certain juvenile conviction records for purposes of introduction at the sentencing phase of a bifurcated jury trial and for use in enhanced penalty sentencing under to the sentencing guidelines.

The Crime Commission shall be provided technical assistance by the Office of the Attorney General, the State Police, the Department of Youth and Family Services, the Commonwealth Attorneys' Services Council, and the Office of the Executive Secretary of the Supreme Court.

The Crime Commission shall complete its work in time to submit the legislative proposals to the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

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