

LD3000613

SENATE RESOLUTION NO. 24

Offered January 20, 1995

Amending the Rules of the Senate by adding a part numbered XVII-A, consisting of rules numbered 51 (a) through 51 (d), relating to status of Senator who is charged with or convicted of certain crimes.

Patrons—Benedetti, Barry, Bell, Calhoun, Chichester, Hawkins, Holland, E.M., Howell, Martin, Miller, K.G., Norment, Potts, Quayle, Robb, Stolle, Stosch, Wampler and Woods

Referred to the Committee on Rules

RESOLVED by the Senate of Virginia, That the Rules of the Senate be amended by adding a part numbered XVII-A, consisting of rules numbered 51 (a) through 51 (d), as follows:

XVII-A.

Status of Senator Charged With or Convicted of Certain Crimes.

51 (a). If an indictment or information on a felony or criminal offense against the Commonwealth's election laws is returned or filed against a member of the Senate, the member indicted or informed against may request the President pro tempore to excuse the member, without pay, from all privileges of membership in the Senate and the President pro tempore shall comply with the request.

If the indictment or information is either nol prossed or dismissed, or if the member is found not guilty of the offense or offenses charged or of lesser included offenses, the member may immediately return to active Senate duties and shall be paid all back pay and be restored to all other benefits and privileges retroactive to the date the member was excused.

51 (b). A member who enters a plea of guilty or nolo contendere to any offense listed in Rule 51 (a) shall be suspended by the President pro tempore immediately, without a hearing and without pay, from all privileges of membership in the Senate through the remainder of that member's term. In addition, the Senate Committee on Privileges and Elections shall review the matter and report to the Senate its recommendation whether or not the member should be expelled from the Senate. The Senate shall vote on the expulsion of the member in accordance with Section 7 of Article IV of the Constitution of this Commonwealth.

51 (c). A member convicted of any offense listed in Rule 51 (a) shall be suspended by the President pro tempore immediately, without a hearing and without pay, from all privileges of membership in the Senate pending final appellate action or the end of that member's term, whichever first occurs. If no appeal is taken by the member convicted, or if his appeal is denied, or if the final appellate decision is to sustain the conviction and the member's resignation is not forthcoming, the Senate Committee on Privileges and Elections shall review the matter and report to the Senate its recommendation whether or not the member should be expelled from the Senate. The Senate shall vote on the expulsion of the member in accordance with Section 7 of Article IV of the Constitution of this Commonwealth.

If the final appellate decision is to vacate the conviction and there is a retrial or rehearing, the member is subject to the provisions of Rule 51 (a). If the final appellate decision is to vacate the conviction and no charges for any offense listed in Rule 51 (a) remain against the member, the member shall be entitled to restitution of back pay and restoration of all other benefits and privileges of membership in the Senate retroactive to the date of suspension.

51 (d). The action provided for in Rules 51 (a), (b) and (c) is in addition to any action provided by law or other Senate Rule.

INTRODUCED

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