

1996 SESSION

INTRODUCED

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HOUSE JOINT RESOLUTION NO. 6

Offered January 10, 1996

Prefiled December 20, 1995

Creating a joint subcommittee to study Virginia's first-time drug offender law and the need for continuation and expansion.

Patron—Davies

Referred to Committee on Rules

WHEREAS, § 18.2-251, first enacted in 1972, provides that the disposition in criminal proceedings involving persons charged with a first offense of unlawful possession of controlled substances or marijuana may be deferred and the person placed on probation, subject to terms and conditions, without the entry of a judgment of guilt; and

WHEREAS, many judges and lawyers believe that the flexibility afforded to the courts under this section enhances the ability of the judicial system to fairly and efficiently handle the ever-increasing number of drug cases being prosecuted, concentrating their efforts on more serious habitual offenders; and

WHEREAS, drug offenders are responsible for a large percentage of the current inmate population in Virginia, using up bed space which might more appropriately be made available to more violent offenders; and

WHEREAS, allowing judges greater flexibility in a greater number of drug cases may ease the prison crowding problems facing the Commonwealth, while allowing for a more appropriate disposition for some first-time drug offenders; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a seven-member joint subcommittee be created to study the effects of Virginia's current first offender drug statute and the feasibility of expanding the current statute to provide more dispositional alternatives and to cover more criminal offenses. Four members of the joint subcommittee shall be appointed by the Speaker of the House of Delegates and three members shall be appointed by the Senate Committee on Privileges and Elections.

The direct costs of this study shall not exceed \$4,200.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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