

# VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

## CHAPTER 795

*An Act to amend and reenact § 9-168, as it is currently effective and as it may become effective, and §§ 17-234 and 53.1-134 of the Code of Virginia, relating to appointments to the Criminal Justice Services Board, the Virginia Criminal Sentencing Commission, and the Parole Board.*

[S 990]

Approved April 2, 1997

**Be it enacted by the General Assembly of Virginia:**

**1. That § 9-168, as it is currently effective and as it may become effective, and §§ 17-234 and 53.1-134 of the Code of Virginia are amended and reenacted as follows:**

§ 9-168. Criminal Justice Services Board, Committee on Training, and Advisory Committee on Juvenile Justice established; appointment; terms; vacancies; members not disqualified from holding other offices; designation of chairmen; expenses; meetings.

A. There is hereby created the Criminal Justice Services Board. The Board shall be composed of twenty-seven members as set out below. Eight members of the Board shall be as follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General of Virginia, or his designee; the Superintendent of the Department of State Police; the Director of the Department of Corrections; the Director of the Department of Juvenile Justice; the Superintendent of the Department of Correctional Education; the Chairman of the Parole Board; and the Executive Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the Department of Corrections, the Director of the Department of Juvenile Justice, the Superintendent of the Department of Correctional Education, or the Chairman of the Parole Board will be unavoidably absent from a board meeting, he may appoint a member of his staff to represent him at the meeting.

Fifteen members shall be appointed by the Governor from among residents of this Commonwealth. *At least one shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01. The remainder shall be who are* representative of the broad categories of state and local governments, criminal justice systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally elected and appointed administrative and legislative officials. Among these ~~fifteen~~ members there shall be two sheriffs representing the Virginia State Sheriffs Association selected from among names submitted by the Association; two representatives of the Chiefs of Police Association selected from among names submitted by the Association; one attorney for the Commonwealth selected from among names submitted by the Association for Commonwealth's Attorneys; one person who is a mayor, city or town manager, or member of a city or town council representing the Virginia Municipal League selected from among names submitted by the League; one person who is a county executive, manager, or member of a county board of supervisors representing the Virginia Association of Counties selected from among names submitted by the Association; one member representing the Virginia Crime Prevention Association selected from among names submitted by the Association; one member of the Private Security Services Advisory Board; and one representative of the Virginia Association of Regional Jail Superintendents selected from among names submitted by the Association.

Four members of the Board shall be members of the General Assembly appointed by the chairmen of legislative committees as follows: one member of the Appropriations Committee of the House of Delegates; one member of the Committee on Finance of the Senate; one member of the Committee for Courts of Justice of the House of Delegates, and one member of the Committee for Courts of Justice of the Senate. The legislative members shall serve for the terms for which they were elected and shall serve as ex officio members without a vote.

B. There is further created a permanent Committee on Training under the Board which shall be the policy-making body responsible to the Board for effecting the provisions of subdivisions 2 through 12 of § 9-170. The Committee on Training shall be composed of twelve members of the Board as follows: the Superintendent of the Department of State Police; the Director of the Department of Corrections; the member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court of Virginia; the two sheriffs representing the Virginia State Sheriffs Association; the two representatives of the Chiefs of Police Association; the attorney for the Commonwealth representing the Association for Attorneys for the Commonwealth; the representative of the Virginia Municipal League; the representative of the Virginia Association of Counties; and one member designated by the Chairman of the Board from among the other appointments made by the Governor. The Committee on Training shall annually elect its chairman from among its members.

C. There is further created a permanent Advisory Committee on Juvenile Justice which shall have the responsibility for advising and assisting the Board, the Department, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in the Commonwealth. The Advisory Committee shall consist of no less than fifteen and no more than twenty-five members. The membership of the Advisory Committee shall include persons who have training, experience or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice as set out below. Four ex officio members with voting powers of the Advisory Committee shall be as follows: the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of the Department of Social Services; the Director of the Department of Juvenile Justice; and the Superintendent of Public Instruction. Two members shall be members from the General Assembly, appointed by the chairmen of the following legislative committees: one member of the Senate Committee for Courts of Justice and one member of the House Committee on Health, Welfare and Institutions. The legislative members shall serve as ex officio members for the terms for which they were elected. All other members shall be residents of the Commonwealth and be appointed by the Governor for a term of four years, except that appointments to terms commencing on July 1, 1991, shall be as outlined below. Five members, appointed for four-year terms, shall include: two members from the Criminal Justice Services Board; one member with expertise in juvenile services; one member representing community-based delinquency prevention or treatment programs; and one member who is under the age of twenty-four at the time of appointment. Six members shall be appointed for three-year terms and shall include one juvenile and domestic relations district court judge; one member who is a representative of local law enforcement; one member who is a local city or county administrator; one member who is a member of the Virginia State Bar; and two members who are under the age of twenty-four at the time of appointment. Six members, appointed for two-year terms, shall include one member who is employed in a private organization with a special focus on maintaining and strengthening the family unit; one member who works as a volunteer with delinquents or potential delinquents; one member who is now or formerly has been under the jurisdiction of the Virginia juvenile justice system; one member who is an employee of a local juvenile and domestic relations district court service unit; one member who is a representative of business groups or businesses employing youth; and one member who represents organizations concerned with the quality of juvenile justice, education or social services for children. The majority of the Advisory Committee shall be private citizens and at least three members of the Advisory Committee, including two private citizens shall also be members of the Board. The Advisory Committee shall elect its chairman from among its members. The Advisory Committee shall have the following specific duties and responsibilities:

1. To review the operation of the juvenile justice system in the Commonwealth, including facilities and programs, and prepare appropriate reports;
2. To review statewide plans, conduct studies, and make recommendations on needs and priorities for the development and improvement of the juvenile justice system in the Commonwealth; and
3. To advise on all matters related to the federal Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, as amended), and recommend such actions on behalf of the Commonwealth as may seem desirable to secure benefits of that or other federal programs for delinquency prevention or the administration of juvenile justice.

Each administrative entity or collegial body within the executive branch of the state government as may be requested to do so shall cooperate with the Advisory Committee as it carries out its responsibilities.

D. The members of the Board and Advisory Committee appointed by the Governor shall serve for terms of four years, provided that no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment. Appointed members of the Board and Advisory Committee shall not be eligible to serve as such for more than two consecutive full terms. Three or more years within a four-year period shall be deemed a full term. Any vacancy on the Board and Advisory Committee shall be filled in the same manner as the original appointment, but for the unexpired term.

E. The Governor shall appoint a Chairman of the Board, and the Board shall designate one or more vice-chairmen from among its members, who shall serve at the pleasure of the Board.

F. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the contrary, membership on the Board shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

G. Members of the Board and Advisory Committee shall be entitled to receive reimbursement for any actual expenses incurred as a necessary incident to such service and to receive such compensation as is provided in § 2.1-20.3.

H. The Board and Advisory Committee shall each hold no less than four regular meetings a year. Subject to the requirements of this subsection, the respective Chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Board or

Advisory Committee.

I. The Board and Advisory Committee may adopt bylaws for their operation.

§ 9-168. (Delayed effective date) Criminal Justice Services Board, Committee on Training, and Advisory Committee on Juvenile Justice established; appointment; terms; vacancies; members not disqualified from holding other offices; designation of chairmen; expenses; meetings.

A. There is hereby created the Criminal Justice Services Board. The Board shall be composed of twenty-seven members as set out below. Eight members of the Board shall be as follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General of Virginia, or his designee; the Superintendent of the Department of State Police; the Director of the Department of Corrections; the Director of the Department of Youth and Family Services; the Superintendent of the Department of Correctional Education; the Chairman of the Parole Board; and the Executive Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the Department of Corrections, the Director of the Department of Youth and Family Services, the Superintendent of the Department of Correctional Education, or the Chairman of the Parole Board will be unavoidably absent from a board meeting, he may appoint a member of his staff to represent him at the meeting.

Fifteen members shall be appointed by the Governor from among residents of this Commonwealth. *At least one shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01. The remainder shall be who are* representative of the broad categories of state and local governments, criminal justice systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally elected and appointed administrative and legislative officials. Among these ~~fifteen~~ members there shall be two sheriffs representing the Virginia State Sheriffs Association selected from among names submitted by the Association; two representatives of the Chiefs of Police Association selected from among names submitted by the Association; one attorney for the Commonwealth selected from among names submitted by the Association for Attorneys for the Commonwealth; one person who is a mayor, city or town manager, or member of a city or town council representing the Virginia Municipal League selected from among names submitted by the League; one person who is a county executive, manager, or member of a county board of supervisors representing the Virginia Association of Counties selected from among names submitted by the Association; one member representing the Virginia Crime Prevention Association selected from among names submitted by the Association; one member of the Private Security Services Advisory Board; and one representative of the Virginia Association of Regional Jail Superintendents selected from among names submitted by the Association.

Four members of the Board shall be members of the General Assembly appointed by the chairmen of legislative committees as follows: one member of the Appropriations Committee of the House of Delegates; one member of the Committee on Finance of the Senate; one member of the Committee for Courts of Justice of the House of Delegates, and one member of the Committee for Courts of Justice of the Senate. The legislative members shall serve for the terms for which they were elected and shall serve as ex officio members without a vote.

B. There is further created a permanent Committee on Training under the Board which shall be the policy-making body responsible to the Board for effecting the provisions of subdivisions 2 through 12 of § 9-170. The Committee on Training shall be composed of twelve members of the Board as follows: the Superintendent of the Department of State Police; the Director of the Department of Corrections; the member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court of Virginia; the two sheriffs representing the Virginia State Sheriffs Association; the two representatives of the Chiefs of Police Association; the attorney for the Commonwealth representing the Association for Attorneys for the Commonwealth; the representative of the Virginia Municipal League; the representative of the Virginia Association of Counties; and one member designated by the Chairman of the Board from among the other appointments made by the Governor. The Committee on Training shall annually elect its chairman from among its members.

C. There is further created a permanent Advisory Committee on Juvenile Justice which shall have the responsibility for advising and assisting the Board, the Department, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in the Commonwealth. The Advisory Committee shall consist of no less than fifteen and no more than twenty-five members. The membership of the Advisory Committee shall include persons who have training, experience or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice as set out below. Four ex officio members with voting powers of the Advisory Committee shall be as follows: the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of the Department of Social Services; the Director of the Department of Youth and Family Services; and the Superintendent of Public Instruction. Two members shall be members from the General Assembly, appointed by the chairmen of the following legislative committees: one member of the Senate

Committee for Courts of Justice and one member of the House Committee on Health, Welfare and Institutions. The legislative members shall serve as ex officio members for the terms for which they were elected. All other members shall be residents of the Commonwealth and be appointed by the Governor for a term of four years, except that appointments to terms commencing on July 1, 1991, shall be as outlined below. Five members, appointed for four-year terms, shall include: two members from the Criminal Justice Services Board; one member with expertise in juvenile services; one member representing community-based delinquency prevention or treatment programs; and one member who is under the age of twenty-four at the time of appointment. Six members shall be appointed for three-year terms and shall include one family court judge; one member who is a representative of local law enforcement; one member who is a local city or county administrator; one member who is a member of the Virginia State Bar; and two members who are under the age of twenty-four at the time of appointment. Six members, appointed for two-year terms, shall include one member who is employed in a private organization with a special focus on maintaining and strengthening the family unit; one member who works as a volunteer with delinquents or potential delinquents; one member who is now or formerly has been under the jurisdiction of the Virginia juvenile justice system; one member who is an employee of a local family court service unit; one member who is a representative of business groups or businesses employing youth; and one member who represents organizations concerned with the quality of juvenile justice, education or social services for children. The majority of the Advisory Committee shall be private citizens and at least three members of the Advisory Committee, including two private citizens shall also be members of the Board. The Advisory Committee shall elect its chairman from among its members. The Advisory Committee shall have the following specific duties and responsibilities:

1. To review the operation of the juvenile justice system in the Commonwealth, including facilities and programs, and prepare appropriate reports;
2. To review statewide plans, conduct studies, and make recommendations on needs and priorities for the development and improvement of the juvenile justice system in the Commonwealth; and
3. To advise on all matters related to the federal Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, as amended), and recommend such actions on behalf of the Commonwealth as may seem desirable to secure benefits of that or other federal programs for delinquency prevention or the administration of juvenile justice.

Each administrative entity or collegial body within the executive branch of the state government as may be requested to do so shall cooperate with the Advisory Committee as it carries out its responsibilities.

D. The members of the Board and Advisory Committee appointed by the Governor shall serve for terms of four years, provided that no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment. Appointed members of the Board and Advisory Committee shall not be eligible to serve as such for more than two consecutive full terms. Three or more years within a four-year period shall be deemed a full term. Any vacancy on the Board and Advisory Committee shall be filled in the same manner as the original appointment, but for the unexpired term.

E. The Governor shall appoint a Chairman of the Board, and the Board shall designate one or more vice-chairmen from among its members, who shall serve at the pleasure of the Board.

F. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the contrary, membership on the Board shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

G. Members of the Board and Advisory Committee shall be entitled to receive reimbursement for any actual expenses incurred as a necessary incident to such service and to receive such compensation as is provided in § 2.1-20.3.

H. The Board and Advisory Committee shall each hold no less than four regular meetings a year. Subject to the requirements of this subsection, the respective Chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Board or Advisory Committee.

I. The Board and Advisory Committee may adopt bylaws for their operation.

§ 17-234. Membership; compensation.

A. The Commission shall be composed of seventeen members as follows:

1. Six judges or justices, who may be judges of a circuit court who regularly hear criminal cases or judges or justices of the Supreme Court or the Court of Appeals, to be appointed by the Chief Justice of the Supreme Court of Virginia;
2. One person who is not an active member of the judiciary, to be appointed as Chairman by the Chief Justice of the Supreme Court of Virginia subject to confirmation by the General Assembly provided that the person initially appointed chairman shall be authorized to act pending confirmation by the 1995 Regular Session of the General Assembly;
3. Three persons to be appointed by the Speaker of the House of Delegates;
4. Two persons to be appointed by the Senate Committee on Privileges and Elections;

5. Four persons to be appointed by the Governor, *at least one of whom shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01*; and

6. The Attorney General of Virginia.

B. Appointments to the Commission shall be for terms of three years. Members shall not be eligible to serve more than two consecutive full terms except for the Attorney General who shall serve by virtue of his office.

C. Members of the Commission shall receive compensation as provided in § 14.1-18, and all members of the Commission shall be paid their necessary expenses incurred in the performance of their duties.

§ 53.1-134. Creation of Parole Board; appointment of members; terms; vacancies.

There shall be a Parole Board which shall consist of five members appointed by the Governor and subject to confirmation by the General Assembly, if in session when such appointment is made, and if not in session, then at its next succeeding session. *At least one member of the Parole Board shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01.*

The members of the Parole Board shall serve at the pleasure of the Governor. Initial appointments to the Parole Board in the year 1982 shall be for the following terms: two for a one-year term, two for a two-year term, and one for a four-year term. Thereafter, all appointments shall be for terms of four years each. Appointments to fill vacancies shall be made for the unexpired terms.

The term "Board" as used in this chapter shall mean the Virginia Parole Board.

**2. That nothing in this act shall be construed to require the removal or replacement of any member of the Criminal Justice Services Board, the Virginia Criminal Sentencing Commission or the Parole Board at any time prior to the normal expiration of his term. Nothing in this act shall prohibit the reappointment of any member who is otherwise eligible for reappointment solely because such member is not a representative of a crime victims' organization or a victim of crime.**