

090861544

**HOUSE BILL NO. 2650**

Offered January 23, 2009

A *BILL to amend the Code of Virginia by adding in Chapter 9 of Title 19.2 an article numbered 2.1, consisting of sections numbered 19.2-150.1 through 19.2-150.6, relating to Citizens' Right to Know: Pretrial Release Act.*

---

 Patron—Bell
 

---

Referred to Committee for Courts of Justice

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

**1. That the Code of Virginia is amended by adding in Chapter 9 of Title 19.2 an article numbered 2.1, consisting of sections numbered 19.2-150.1 through 19.2-150.6, as follows:**

*Article 2.1.**Citizens' Right to Know: Pretrial Release Act.**§ 19.2-150.1. Title.*

*This act may be cited as the "Citizens' Right to Know: Pretrial Release Act."*

*§ 19.2-150.2. Definitions.*

*"Annual report" means a report prepared by a pretrial services agency that accurately summarizes the effectiveness of the agency's uses of public funds.*

*"Non-secured release" means any release of a defendant from pretrial custody where no financial guarantee is required as a condition of such release.*

*"Pretrial services agency" means any agency created pursuant to, and fulfilling its duties and responsibilities pursuant to, § 19.2-152.2 when those duties and responsibilities include making recommendations for the non-secured release of criminal defendants or for the release of criminal defendants on the partial deposit of bail amount.*

*"Register" means a public record prepared by the pretrial services agency which displays the required data to be made available in the clerk's office of the district court of each county and city served by a pretrial services agency.*

*"Secured release" means any release of a defendant from pretrial custody where a financial guarantee, such as cash or surety bond, is required as a condition of such release.*

*§ 19.2-150.3. Public Record.*

*A. Notwithstanding the confidentiality provisions of § 19.2-152.4:2, each pretrial services agency in the Commonwealth shall prepare a register including information as required in this section regarding the cases and defendants who are recommended for release by such agency. The register shall be located in the clerk's office of each district court served by the pretrial services agency and shall be readily available to the public.*

*B. The register shall be updated on a weekly basis and shall display accurate information regarding the following information for each defendant whose non-secured release was recommended by the pretrial services agency:*

- 1. The charge against the defendant;*
- 2. The nature of any prior criminal convictions against the defendant;*
- 3. Any court appearances required;*
- 4. Missed court dates;*
- 5. Bench warrants issued; and*
- 6. Instance of program noncompliance.*

*§ 19.2-150.4. Annual report.*

*A. Prior to the end of the first quarter of each calendar year, every pretrial services agency in the Commonwealth shall submit an annual report to the Department of Criminal Justice Services for the prior calendar year.*

*B. The annual report shall contain but not be limited to the following information:*

- 1. The complete operating budget of the pretrial services agency;*
- 2. The number of personnel employed by the pretrial services agency;*
- 3. The total number of release recommendations made by the pretrial services agency;*
- 4. The total number of cases reviewed by the pretrial services agency;*
- 5. The total number of cases in which non-secured release or bail reduction was not recommended by the pretrial services agency;*
- 6. The number of defendants released on non-secured release or released on reduced bail after a positive recommendation by the pretrial services agency;*

INTRODUCED

HB2650

59 7. The average period of time the defendant is incarcerated on a felony charge before being released  
60 on recommendation by the pretrial services agency and the average period of time the defendant is  
61 incarcerated on a misdemeanor charge before being released on recommendation by the pretrial  
62 services agency;

63 8. The total number of cases where the defendant was released on a non-secured release after a  
64 positive recommendation by the pretrial services agency and the defendant had at least one missed court  
65 date within one year of the date of release;

66 9. The total number of cases where a defendant was released on a non-secured release after a  
67 positive recommendation by the pretrial services agency and a bench warrant was issued by the court  
68 on the defendant's failure to appear on a non-secured release;

69 10. The total number of cases where a defendant was released on a non-secured release after a  
70 positive recommendation by the pretrial services agency and a bench warrant was issued by the court  
71 but remained unserved after one year;

72 11. The total number of cases where a defendant was released on a non-secured release after a  
73 positive recommendation by the pretrial services agency and a warrant was issued for the defendant  
74 after his release for additional criminal charges within one year; and

75 12. The total number of cases where a defendant was released on a non-secured release after a  
76 positive recommendation by the pretrial services agency and the defendant was arrested on a new  
77 offense while on release under the pretrial services agency's recommendation.

78 C. The annual report shall also contain an accounting of the percentage of the pretrial services  
79 agency's annual budget, which is allocated to steering defendants eligible for secured release toward  
80 obtaining their own release through non-government sponsored programs.

81 § 19.2-150.5. Preparation of the register and annual report.

82 Every pretrial services agency shall prepare the register and annual report out of its existing budget,  
83 and no additional government funds shall be made available for the production of these items.

84 § 19.2-150.6. Sanctions for noncompliance.

85 If the chief district court judge of any county or city served by the agency finds that a pretrial  
86 services agency has not maintained the register or has not filed an annual report as required by  
87 § 19.2-150.5, the judge shall:

88 1. For a first occurrence of noncompliance, require the pretrial services agency immediately to  
89 prepare a written report explaining the noncompliance and what measures will be taken to bring the  
90 program into compliance and the date by which the noncompliance shall be corrected.

91 2. For a second or subsequent occurrence of noncompliance, order the pretrial services agency to  
92 show why it should not be sanctioned for its continued noncompliance. If the pretrial services agency  
93 cannot justify the continued noncompliance, the chief district court judge of any county or city served by  
94 the agency may order the program to reduce its budget by 25 percent.