

20104979D

HOUSE BILL NO. 816

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.6, relating to Department of Criminal Justice Services; criminal cases; data collection and reporting standards; report.*

 Patron—Hope

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.6 as follows:

§ 9.1-116.6. Criminal cases; data collection and reporting standards; report.

A. The Department shall create uniform reporting mechanisms for appropriate criminal justice agencies, as defined in § 9.1-101, in every locality to collect data relating to criminal defendants, alleged criminal offenses, bail determinations, and sentencing in criminal cases in the Commonwealth. Collected data shall be disaggregated by locality and by individual. In order to maintain anonymity of the individual, localities shall use a unique identifier to identify each individual. The minimum required data collected by the Department shall include:

1. Information about the defendant, including the defendant's year of birth, race, ethnicity, gender, primary language, and residential zip code;

2. If the defendant is under 18 years of age, whether the defendant's case was heard in the juvenile and domestic relations court or transferred to circuit court;

3. The determination of the defendant's indigency pursuant to § 19.2-159;

4. Information related to the defendant's charges, including the number of charges and the most serious offense the defendant is charged with and the Code section for such offense; the general description of such offense; whether such offense is a felony, misdemeanor, civil infraction, or other type of offense; the specific classification of any felony or misdemeanor offense; and, in the case of a drug-related charge, the drug type and amount associated with each such charge;

5. The date on which any alleged offense occurred and the locality in which such alleged offense occurred;

6. The date the defendant is taken into custody by a law-enforcement agency or is issued a summons or other notice to appear and the date of arraignment for each of the defendant's charges;

7. Whether the defendant is being represented by court-appointed counsel, privately retained counsel, or is representing himself and the date on which (i) the court appoints an attorney to represent the defendant, (ii) the defendant waives his right to legal representation, or (iii) the defendant's hired attorney notifies the clerk's office he will be representing the defendant and, if applicable, the date on which the defendant's attorney withdraws from the case;

8. The date of each court appearance by the defendant before disposition of the case;

9. If the defendant is admitted to bail, information related to the conditions of bail and the bond, including (i) whether the bond was secured or unsecured; (ii) all monetary amounts set on the bond, including amounts set on both secured and unsecured bonds; (iii) any initial nonmonetary conditions of release imposed; (iv) any subsequent modifications; (v) the total amount of money paid on the bond; and (vi) whether the individual utilized the services of a bail bondsman;

10. Any revocation of bail due to a violation of a defendant's conditions of release, failure to appear for a court hearing, or the commission of a new offense by such defendant;

11. Any recommendations made by an attorney for the Commonwealth concerning the setting or revocation of bail or other pretrial release conditions;

12. The date on which the defendant is admitted to bail or released on some other condition of pretrial release;

13. If the defendant is not admitted to bail, the reason for the denial;

14. The date of disposition of the defendant's case and the result of such disposition, including whether the defendant's case is dismissed or the defendant is acquitted;

15. If the defendant is convicted of any offense, the date the defendant is sentenced, the offense for which the defendant is sentenced, the Code section for such offense, the sentence imposed for such offense, including any time suspended, and any period of probation, parole, or other postrelease supervision;

INTRODUCED

HB816

59 16. Any credit for time spent in confinement while awaiting disposition of the defendant's case;
60 17. Whether the defendant is offered or ordered to attend a diversionary program or a community
61 corrections alternative program and which programs are offered or ordered;
62 18. The total amount of court fees or fines imposed by the court at the disposition of the defendant's
63 case and any outstanding balance the defendant may have on such fees or fines;
64 19. Any restitution ordered, including any amount collected by the court and any amount paid to a
65 victim;
66 20. Any offers of a plea agreement and whether such plea agreement was entered into and accepted
67 by the court; and
68 21. Any applicable discretionary sentencing guidelines.
69 B. No information collected under this section that personally identifies a victim may be disclosed.
70 No provision of this section shall permit a person access to juvenile court records, unless otherwise
71 provided by law, and no information from any such record that personally identifies a juvenile
72 defendant may be disclosed.
73 C. The Department shall submit an annual report on the data collected pursuant to this section to
74 the Governor and the General Assembly on or before December 31 as provided in the procedures of the
75 Division of Legislative Automated Services for the processing of legislative documents and reports, and
76 the annual report shall be posted on the General Assembly's website. The Department shall publish the
77 annual report on the Department's website no later than 10 days following its submission to the
78 Governor and the General Assembly.