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HOUSE JOINT RESOLUTION NO. 129

Offered January 8, 2020

Directing the Virginia State Crime Commission to study post-conviction monitoring of persons convicted of domestic violence in the Commonwealth. Report.

Patron—McQuinn

Referred to Committee on Rules

WHEREAS, in 2016, judges and magistrates in the Commonwealth of Virginia issued 55,376 emergency protective orders to victims of domestic violence and their family members; and

WHEREAS, there were more than 60,000 calls to domestic violence and sexual violence hotlines across the Commonwealth in 2016; and

WHEREAS, persons with charges related to assault and battery against a family household member who are found guilty are convicted of a Class 1 misdemeanor for their first and second offenses; and

WHEREAS, persons who are found guilty of assault and battery against a family household member are convicted of a Class 6 felony for a third or subsequent offense if said offense occurred on separate dates from the first and second offenses related to domestic violence; and

WHEREAS, during fiscal years 2016 and 2017, a total of 11,462 offenders were convicted of a Class 1 misdemeanor for assault and battery against a family household member, while 433 offenders were convicted of a Class 6 felony, and of those convicted of a Class 1 misdemeanor, 1,591 offenders had a prior misdemeanor conviction for the same offense based on data from fiscal years 2008 through 2017; and

WHEREAS, in fiscal years 2017 and 2018, a total of 11,149 offenders were convicted of a Class 1 misdemeanor for assault and battery against a family household member, while 451 offenders were convicted of a Class 6 felony, and of those convicted of a Class 1 misdemeanor, 1,513 offenders had one prior misdemeanor conviction for the same offense based on data from fiscal years 2009 through 2018; and

WHEREAS, domestic violence, including family abuse and intimate partner abuse, accounts for approximately one-third of all homicides in Virginia each year; and

WHEREAS, multiple states have passed legislation allowing electronic monitoring or establishing pilot programs to electronically monitor persons convicted of domestic violence as a condition of probation, parole, or release from prison, including for those persons who have violated protective orders; and

WHEREAS, states including West Virginia and New Jersey have set up domestic violence central registries to make information on persons convicted of domestic violence available to law enforcement for investigative purposes, and other states have implemented statewide protective order registries; and

WHEREAS, aside from a conviction and any probation period or required rehabilitation as set by the judge, no current monitoring program or registry exists in the Commonwealth of Virginia for persons convicted of domestic violence, family abuse, or intimate partner abuse; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study post-conviction monitoring of persons convicted of domestic violence in the Commonwealth. This study shall include any convictions of family abuse or intimate partner abuse.

In conducting its study, the Virginia State Crime Commission (the Commission) shall (i) determine the number of persons convicted of domestic violence, family abuse, and intimate partner abuse in the Commonwealth in the past 10 years; (ii) provide the total number of misdemeanor and felony convictions, if applicable, for each identified person convicted of a charge related to domestic violence; (iii) identify any additional terms of the sentence for each identified person, as required by the presiding judge, including probation or any other requirements, that would allow the Commonwealth to monitor the person for any length of time following the conviction; and (iv) provide recommendations for monitoring persons convicted of domestic violence, family abuse, and intimate partner abuse, including the establishment of a domestic violence registry.

Technical assistance shall be provided to the Commission by the Department of Criminal Justice Services and the Virginia State Police. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Virginia State Crime Commission shall complete its meetings by November 30, 2020, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2021 Regular Session of the General

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59 Assembly. The executive summary shall state whether the Commission intends to submit to the General
60 Assembly and the Governor a report of its findings and recommendations for publication as a House or
61 Senate document. The executive summary and report shall be submitted as provided in the procedures of
62 the Division of Legislative Automated Systems for the processing of legislative documents and reports
63 and shall be posted on the General Assembly's website.