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HOUSE JOINT RESOLUTION NO. 48

Offered January 8, 2020

Prefiled January 5, 2020

Directing the Virginia State Crime Commission to study the use and effectiveness of mandatory minimum sentences. Report.

Patrons—Hope and Price

Referred to Committee on Rules

WHEREAS, the Commonwealth has over 200 distinct mandatory minimum sentences spread across at least 37 different sections of the Code of Virginia; and

WHEREAS, mandatory minimum sentences eliminate the discretion of judges and juries to make sound sentencing decisions based on the circumstances of each individual case; and

WHEREAS, according to a 2017 report by the U.S. Sentencing Commission, an agency of the federal judicial branch, African American offenders are more likely to be convicted of an offense that carries a mandatory minimum sentence than individuals of another race; and

WHEREAS, the proliferation of mandatory minimum sentences has spread throughout the Code of Virginia without any review of their use or effectiveness since 2007; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study the use and effectiveness of mandatory minimum sentences.

In conducting its study, the Virginia State Crime Commission shall (i) identify all existing mandatory minimum sentences; and (ii) review extant literature to determine whether and the extent to which mandatory minimums: (a) affect crime rates; (b) exacerbate racial disparities in the justice system; (c) promote the goal of uniformity in sentencing, particularly as compared to sentencing guidelines; (d) influence the likelihood of guilty pleas versus trials; and (e) influence whether offenders are held accountable for the offenses they actually committed. The Commission shall also provide information concerning legislative efforts in other states and the federal system to modify or repeal mandatory minimums, including the various strategies employed and evidence of their efficacy.

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

The Virginia State Crime Commission shall complete its meetings by November 30, 2020, and the chairman of the Virginia State Crime Commission 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 Assembly. The executive summary shall state whether the Virginia State Crime Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

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