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SENATE BILL NO. 793

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 24, 2020)

(Patrons Prior to Substitute—Senators McClellan and Morrissey [SB 821])

A BILL to amend and reenact § 53.1-165.1 of the Code of Virginia, relating to parole; exception to the limitation on the application of parole statutes.

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-165.1 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-165.1. Limitation on the application of parole statutes.

A. The provisions of this article, except §§ 53.1-160 and 53.1-160.1, shall not apply to any sentence imposed or to any prisoner incarcerated upon a conviction for a felony offense committed on or after January 1, 1995. Any person sentenced to a term of incarceration for a felony offense committed on or after January 1, 1995, shall not be eligible for parole upon that offense.

B. The provisions of this article shall apply to any person who was sentenced by a jury prior to June 9, 2000, for any felony offense other than a (i) Class 1 felony or (ii) any of the following felony offenses where the victim was a minor: (a) rape in violation of § 18.2-61; (b) forcible sodomy in violation of § 18.2-67.1; (c) object sexual penetration in violation of § 18.2-67.2; (d) aggravated sexual battery in violation of § 18.2-67.3; (e) an attempt to commit a violation of clause (a), (b), (c), or (d); or (f) carnal knowledge in violation of § 18.2-63, 18.2-64.1, or 18.2-64.2 committed on or after January 1, 1995, and who remained incarcerated for such offense on July 1, 2020.

C. For all persons entitled to the consideration of parole under subsection B, the Parole Board shall provide notice by first-class mail or by electronic means to the attorney for the Commonwealth (i) of the jurisdiction in which the offense occurred and (ii) of the jurisdiction in which the person resided prior to conviction that such person is being considered for parole at least 60 days prior to any review and parole decision on such person. The attorney for the Commonwealth may submit to the Board any information that will assist the Board in its determination that such person's release on parole will not be incompatible with the interests of society or of such person.

D. The Board shall establish procedures for consideration of parole of persons entitled under subsection B consistent with the provisions of § 53.1-154 allowing for extension of time for reasonable cause.