

2020 SPECIAL SESSION I

HOUSE SUBSTITUTE
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HOUSE BILL NO. 5108

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety
on August 25, 2020)

(Patron Prior to Substitute—Delegate Guzman)

A BILL to amend and reenact §§ 9.1-108 and 9.1-112 of the Code of Virginia, relating to the Criminal Justice Services Board; Committee on Training; membership and responsibilities.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-108 and 9.1-112 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-108. Criminal Justice Services Board membership; terms; vacancies; members not disqualified from holding other offices; designation of chairmen; meetings; compensation.

A. The Criminal Justice Services Board is established as a policy board within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of 29 30 members as follows: the Chief Justice of the Supreme Court of Virginia, or his designee; the Attorney General or his designee; the Superintendent of the Department of State Police; the Director of the Department of Corrections; the Director of the Department of Juvenile Justice; the Chairman of the Parole Board; the Executive Director of the Virginia Indigent Defense Commission or his designee; and the Executive Secretary of the Supreme Court of Virginia. In those instances in which the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Director of the Department of Corrections, the Director of the Department of Juvenile Justice, or the Chairman of the Parole Board will be absent from a Board meeting, he may appoint a member of his staff to represent him at the meeting.

~~Seventeen~~ Eighteen members shall be appointed by the Governor from among citizens of the Commonwealth. At least one shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01, and ~~one two~~ shall ~~represent community interests be representatives of a civil rights organization, two shall be representatives of community interests of minorities from one of the four groups of minority individuals defined in subsection F of § 2.2-4310, and one shall be a representative from a mental health service provider as defined in § 54.1-2400.1.~~

The remainder shall be representative of the broad categories of state and local governments, criminal justice systems, and law-enforcement agencies, including but not limited to, police officials, sheriffs, attorneys for the Commonwealth, defense counsel, the judiciary, correctional and rehabilitative activities, and other locally elected and appointed administrative and legislative officials. Among these members there shall be ~~two sheriffs~~ *one sheriff* representing the Virginia Sheriffs' Association selected from among names submitted by the Association; one member who is an active duty law-enforcement officer appointed after consideration of the names, if any, submitted by police or fraternal associations that have memberships of at least 1,000; ~~two representatives~~ *one representative* of the Virginia Association of Chiefs of Police appointed after consideration of the names submitted by the Association, if any; one attorney for the Commonwealth appointed after consideration of the names submitted by the Virginia Association of Commonwealth's Attorneys, if any; one person who is a mayor, city or town manager, or member of a city or town council representing the Virginia Municipal League appointed after consideration of the names submitted by the League, if any; one person who is a county executive, manager, or member of a county board of supervisors representing the Virginia Association of Counties appointed after consideration of the names submitted by the Association, if any; one member representing the Virginia Association of Campus Law Enforcement Administrators appointed after consideration of the names submitted by the Association, if any; one member of the Private Security Services Advisory Board; and one representative of the Virginia Association of Regional Jails appointed after consideration of the names submitted by the Association, if any.

Four members of the Board shall be members of the General Assembly appointed as follows: one member of the House Committee on Appropriations appointed by the Speaker of the House of Delegates after consideration of the recommendation by the committee's chairman; one member of the House Committee for Courts of Justice appointed by the Speaker of the House of Delegates after consideration of the recommendation by the committee's chairman; one member of the Senate Committee on Finance and Appropriations appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman of the Senate Committee on Finance and Appropriations; and one member of the Senate Committee for Courts of Justice appointed by the Senate Committee on Rules after consideration of the recommendation of the chairman of the Senate Committee for Courts of Justice on the Judiciary. The legislative members shall serve for terms coincident with their terms of office and shall serve as ex officio, nonvoting members. Legislative members may be reappointed for successive terms.

HOUSE
SUBSTITUTE

HB5108H1

60 B. The members of the Board appointed by the Governor shall serve for terms of four years,
61 provided that no member shall serve beyond the time when he holds the office or employment by
62 reason of which he was initially eligible for appointment. Gubernatorial appointed members of the Board
63 shall not be eligible to serve for more than two consecutive full terms. Three or more years within a
64 four-year period shall be deemed a full term. Any vacancy on the Board shall be filled in the same
65 manner as the original appointment; but for the unexpired term.

66 C. The Governor shall appoint a chairman of the Board for a two-year term. No member shall be
67 eligible to serve more than two consecutive terms as chairman. The Board shall designate one or more
68 vice-chairmen from among its members, who shall serve at the pleasure of the Board.

69 D. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the
70 contrary, membership on the Board shall not disqualify any member from holding any other public
71 office or employment, or cause the forfeiture thereof.

72 E. The Board shall hold no less than four regular meetings a year. Subject to the requirements of this
73 subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon
74 written request of any five members of the Board.

75 F. The Board may adopt bylaws for its operation.

76 G. Legislative members of the Board shall receive such compensation as provided in § 30-19.12 and
77 nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for the
78 performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses
79 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the
80 costs of compensation and expenses of the members shall be provided by the Department of Criminal
81 Justice Services.

82 **§ 9.1-112. Committee on Training; membership.**

83 There is created a permanent Committee on Training under the Board that shall be the policy-making
84 body responsible to the Board for effecting the provisions of subdivisions 2 through 17 of § 9.1-102.
85 The Committee on Training shall be composed of 15 members of the Board as follows: the
86 Superintendent of the Department of State Police; the Director of the Department of Corrections; a
87 member of the Private Security Services Advisory Board; the Executive Secretary of the Supreme Court
88 of Virginia; ~~two sheriffs~~ *one sheriff* representing the Virginia State Sheriffs' Association; ~~two~~
89 ~~representatives~~ *one representative* of the Virginia Association of Chiefs of Police Association; the
90 active-duty law-enforcement officer representing police and fraternal associations; the attorney for the
91 Commonwealth representing the Virginia Association of Commonwealth's Attorneys; *one representative*
92 *of the Virginia Indigent Defense Commission*; a representative of the Virginia Municipal League; a
93 representative of the Virginia Association of Counties; *a representative from a mental health service*
94 *provider as defined in § 54.1-2400.1*; a regional jail superintendent representing the Virginia Association
95 of Regional Jails; *one citizen representing a civil rights organization*; and *one citizen* representing
96 community interests; and ~~one member designated by the chairman of the Board from among the other~~
97 ~~appointments made by the Governor of minorities from one of the four groups of minority individuals~~
98 ~~defined in subsection F of § 2.2-4310.~~

99 The Committee on Training shall annually elect its chairman from among its members.

100 *The Committee on Training may appoint curriculum review committees to assist the Committee on*
101 *Training in carrying out its duties under this section. Any curriculum review committee shall be*
102 *composed of nine members appointed by the Committee on Training. At least one member shall be a*
103 *representative of a regional criminal justice academy, one member shall be a representative of an*
104 *independent criminal justice academy, one member shall be a representative of the Department of State*
105 *Police Training Academy, and one member shall be a representative of a community-based organization.*
106 *The remainder shall be selected after consideration of names submitted by the Department of individuals*
107 *with relevant experience.*