

1998 SESSION

INTRODUCED

982903857

HOUSE BILL NO. 694

Offered January 22, 1998

A BILL to amend and reenact § 17-234 of the Code of Virginia, relating to the Sentencing Commission; membership.

Patrons—Almand; Senators: Forbes and Stolle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 17-234 of the Code of Virginia is amended and reenacted as follows:

§ 17-234. Membership; compensation.

A. The Commission shall be composed of seventeen members as follows:

1. Six judges or justices, who may be judges of a circuit court who regularly hear criminal cases or judges or justices of the Supreme Court or the Court of Appeals, to be appointed by the Chief Justice of the Supreme Court of Virginia.

2. One person who is not an active member of the judiciary, to be appointed as Chairman by the Chief Justice of the Supreme Court of Virginia *for a term of four years* subject to confirmation by the General Assembly ~~provided that the person initially appointed chairman shall be authorized to act pending confirmation by the 1995 Regular Session of the General Assembly. The Chairman shall designate a vice-chairman from among the other members to serve a term commensurate with that of the Chairman;~~

3. Three persons to be appointed by the Speaker of the House of Delegates;

4. Two persons to be appointed by the Senate Committee on Privileges and Elections;

5. Four persons to be appointed by the Governor, at least one of whom 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

6. The Attorney General of Virginia *for a term commensurate with his term of office.*

B. Appointments to the Commission *made on or after January 1, 2001*, shall be for terms of ~~three~~ *four years. Members initially appointed to the Commission prior to January 1, 1998, may serve consecutive terms. Members initially appointed on and after January 1, 1998, shall not be eligible to serve more than two consecutive full terms except for the Attorney General who shall serve by virtue of his office.*

C. Members of the Commission shall receive compensation as provided in § 14.1-18, and all members of the Commission shall be paid their necessary expenses incurred in the performance of their duties.

2. That, notwithstanding the provisions of § 17-234 as amended by this act, appointments to the Virginia Sentencing Commission in the year 2000 shall be for terms as follows:

1. Two of the judges or justices shall be appointed for terms of two years, two for terms of three years and two for terms of four years;

2. One of the persons appointed by the Speaker of the House of Delegates shall be appointed for a term of two years, one for a term of three years and one for a term of four years;

3. One of the persons appointed by the Senate Committee on Privileges and Elections shall be appointed for a term of two years and one for a term of four years; and

4. One of the persons appointed by the Governor shall be appointed for a term of two years, two for terms of three years and one for a term of four years.

On and after January 1, 2001, appointment to the Commission shall be made in accordance with § 17-234 as amended by this act.

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HB694