

VIRGINIA ACTS OF ASSEMBLY -- 2022 RECONVENED SESSION

CHAPTER 723

An Act to amend the Code of Virginia by adding a section numbered 17.1-805.1, relating to discretionary sentencing guidelines; midpoint for violent felony offenses.

[S 423]

Approved April 27, 2022

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 17.1-805.1 as follows:

§ 17.1-805.1. Discretionary sentencing guideline midpoints for certain defendants.

The Commission shall adopt discretionary felony sentencing guidelines that may increase the midpoint of the recommended sentencing range based on the defendant's record of convictions for violent felony offenses, as defined in subsection C of § 17.1-805.

For guidelines that become effective on or after July 1, 2022, the Commission may increase the midpoint of the recommended sentencing range for such defendants as set forth in subsection A of § 17.1-805 or the Commission may recommend increases in the midpoint to the degree indicated by historical data for felony offenses sentenced in the Commonwealth. Any recommendations adopted by the Commission to modify the sentencing guidelines midpoints shall be contained in the annual report required under § 17.1-803 and shall become effective in accordance with § 17.1-806.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the Virginia Criminal Sentencing Commission (the Commission) shall submit a report to the General Assembly, the Governor, and the Chief Justice of the Supreme Court of Virginia by October 1, 2022, documenting the impact on sentencing guideline midpoints for each offense if the Commission were to recommend changes to the midpoints based on analysis of historical sentencing data.

4. That the provisions of the first enactment of this act shall become effective on July 1, 2023.