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SENATE BILL NO. 135

Offered January 12, 2022

Prefiled January 8, 2022

A BILL to amend and reenact §§ 53.1-134 and 53.1-136 of the Code of Virginia, relating to Virginia Parole Board; membership; records; report.

Patron—Edwards

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-134 and 53.1-136 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-134. Creation of Virginia Parole Board; appointment of members.

There shall be a Virginia Parole Board (*the Board*), which shall consist of up to ~~five~~ 11 members appointed by the Governor and subject to confirmation by the General Assembly, if in session when such appointment is made, and if not in session, then at its next succeeding session. At least one member of the Parole Board shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01.

The members of the Parole Board shall serve at the pleasure of the Governor.

§ 53.1-136. Powers and duties of Board; notice of release of certain inmates.

In addition to the other powers and duties imposed upon the Board by this article, the Board shall:

1. Adopt, subject to approval by the Governor, general rules governing the granting of parole and eligibility requirements, which shall be published and posted for public review;

2. Adopt, subject to approval by the Governor, rules providing for the granting of parole to those prisoners who are eligible for parole pursuant to § 53.1-165.1 on the basis of demonstrated maturity and rehabilitation and the lesser culpability of juvenile offenders;

3. a. Release on parole for such time and upon such terms and conditions as the Board shall prescribe, persons convicted of felonies and confined under the laws of the Commonwealth in any correctional facility in Virginia when those persons become eligible and are found suitable for parole, according to those rules adopted pursuant to subdivisions 1 and 2;

b. Establish the conditions of postrelease supervision authorized pursuant to § 18.2-10 and subsection A of § 19.2-295.2;

c. Notify the Department of ~~Corrections~~ of its decision to grant discretionary parole or conditional release to an inmate. The Department of ~~Corrections~~ shall set the release date for such inmate no sooner than 30 business days from the date that the Department of ~~Corrections~~ receives such notification from the Chairman of the Board, except that the Department of ~~Corrections~~ may set an earlier release date in the case of an inmate granted conditional release pursuant to § 53.1-40.02. In the case of an inmate granted parole who was convicted of a felony and sentenced to a term of 10 or more years, or an inmate granted conditional release, the Board shall notify the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced (i) by electronic means at least 21 business days prior to such inmate's release that such inmate has been granted discretionary parole or conditional release pursuant to § 53.1-40.01 or 53.1-40.02 or (ii) by telephone or other electronic means prior to such inmate's release that such inmate has been granted conditional release pursuant to § 53.1-40.02 where death is imminent. Nothing in this section shall be construed to alter the obligations of the Board under § 53.1-155 for investigation prior to release on discretionary parole;

d. Provide that in any case where a person who is released on parole or postrelease supervision has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 the conditions of his parole or postrelease supervision shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services and that he follow all of the terms of his treatment plan;

4. Revoke parole and any period of postrelease and order the reincarceration of any parolee or felon serving a period of postrelease supervision or impose a condition of participation in any component of the Statewide Community-Based Corrections System for State-Responsible Offenders (§ 53.1-67.2 et seq.) on any eligible parolee, when, in the judgment of the Board, he has violated the conditions of his parole or postrelease supervision or is otherwise unfit to be on parole or on postrelease supervision;

5. Issue final discharges to persons released by the Board on parole when the Board is of the opinion that the discharge of the parolee will not be incompatible with the welfare of such person or of society;

6. Make investigations and reports with respect to any commutation of sentence, pardon, reprieve or

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59 remission of fine, or penalty when requested by the Governor;

60 7. Publish by the fifteenth day of each month a statement regarding the action taken by the Board on
61 the parole of prisoners during the prior month. The statement shall list (i) the name of each prisoner
62 considered for parole, (ii) the offense of which the prisoner was convicted, (iii) the jurisdiction in which
63 such offense was committed, (iv) the amount of time the prisoner has served, (v) whether the prisoner
64 was granted or denied parole, ~~and~~ (vi) *the number of Board members who voted to grant parole and the*
65 *number of members who voted to deny parole, and* (vii) the basis for the grant or denial of parole.
66 However, in the case of a prisoner granted parole, the information set forth in clauses (i) through ~~(vi)~~
67 (vii) regarding such prisoner shall be included in the statement published in the month immediately
68 succeeding the month in which notification of the decision to grant parole was given to the attorney for
69 the Commonwealth and any victims; and

70 8. Ensure that each person eligible for parole receives a timely and thorough review of his suitability
71 for release on parole, including a review of any relevant post-sentencing information. *Any records,*
72 *reports, or other documents used to determine a person's suitability for parole shall be made available*
73 *for review by such person or his counsel pursuant to Board regulations.* If parole is denied, the basis
74 for the denial of parole shall be in writing and shall give specific reasons for such denial to such
75 inmate.