

Key 2020 Dates

Saturday, March 7, Session adjourns.
Monday, April 6 Last day for Governor's action on legislation by midnight
Wednesday, July 1, Effective date of enacted legislation

Terms to Understand -- READ FIRST!

Please note: none of the bills listed here have been passed into law yet. There is a process to do that:

Hearing: Usually the first step in this process is a public hearing, where the committee members hear witnesses representing various viewpoints on the measure. Each committee makes public the date, place and subject of any hearing it conducts. After hearings are completed, the bill is considered in a session that is popularly known as the "mark-up" session. Members of the committee study the viewpoints presented in detail. Amendments may be offered to the bill, and the committee members vote to accept or reject these changes. This process can take place at either the subcommittee level or the full committee level, or at both. Hearings and markup sessions are status steps noted in the Legislative Action portion of Bill Status.

Reading: As required by the Virginia Constitution, a bill must receive three readings. On the first reading, the bill number & title are printed in the Calendar & customarily progresses to the next reading.

Engrossed: A bill on second reading is amendable. The bill is explained by its patron (Delegate), who answers any questions that may be asked. By voice vote, the House of Delegates votes to engross the bill & pass it to its third reading.

Communication: When passed, a House bill is sent to the Senate & if it is a Senate bill, it is sent to the House. If there are identical bills in the House & Senate, a Committee of Conference is created to resolve them. **Bills must be passed in both chambers -- House and Senate** & then they are printed as an enrolled bill, & examined & signed by the presiding officer of each house.

Enrolled: The final copy of a bill or joint resolution which has passed both chambers in identical form. It is printed and signed by appropriate House and Senate officials, & submitted to the Governor to sign or veto. Bills enacted at a Regular Session are effective on July 1 unless another date is specified.

Geriatric Parole

SB 493: 1/27/2020: Passed Senate (23-Y 15-N)
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The Importance of Education

By Nicole Williams, Central VA Corr. Unit

The Restoring Education and Learning Act (REAL Act) endorsed by the National District Attorneys Association (NDAA) continued to push for Pell Grants to be awarded to those incarcerated, so that they may receive certifications, Associate, and Bachelor degrees while in state prisons. In the meantime, we as offenders who will one day re-enter society must take advantage of the educational programs that are available now both in and outside of prison. Most DOC facilities offer GED, computer classes, resume writing workshops & much more. There are facilities that offer certifications in culinary arts, serve safe, & even economics and financial literacy. Whatever it is that is available at your facility, I encourage you to enroll in these courses & receive these certifications. We must do what we can now to improve the outcome for those released from prison and continue ongoing efforts to reduce recidivism. It is critical for us to use our personal reform in order to one day bring change to the laws already established for ex-offenders. It is time to stop labeling ourselves as criminals and offenders & start taking the necessary steps to ensure that we re-enter society as productive citizens who are deserving of opportunities available in the community. That's why it is extremely important to enroll in educational courses offered at your facility. By becoming certified & receiving certificates in the programs offered, you are increasing your chances of successfully finding employment once released. If your facility offers college courses, please apply and seek enrollment for the class. I stress the importance of education because by receiving diplomas and certificates, we are equipping ourselves with the necessary skills needed to fill the hoibs and wonder opportunities that are available once we reenter our communities. Most importantly, be weeking education, we reduce the changes or re-incarceration, reduce recidivism, and increase the chances or one day changing law and creating more opportunities for those who will one day be released after us. If you haven't already done so, the time is now. Seek education.

NOTE from CFJ: The Pell Grant bill has not passed. Instead, there is a pilot initiative in place. While there's no official expiration date on experimental pilots, the Department of Education has said they typically last about three to five years. Congress would need to pass legislation like the REAL Act in order to take Second Chance Pell out of the pilot phase.

Fishback

HB 33 1/24/2020 House - Passage (52-Y 45-N) Parole; exception to limitation on the application of parole statutes. Provides that a person is entitled to parole if (i) such person was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole has been abolished, for a noncapital felony committed on or after the abolition of parole going into effect (on January 1, 1995) and (ii) the jury was not instructed on the abolition of parole. SB821 merged with SB793. SB793 passed sub-committee. SB793 moves to Full Committee for hearings and vote soon.

SB 793 is the senate version of Fishback.

SB 91 Application of parole statutes

1/30/2020 Passed out of sub-committee. (Still would have to pass Senate & House) Repeals the abolition of parole. The bill also provides that the Virginia Parole Board shall establish procedures for consideration of parole for persons who were previously ineligible for parole, because parole was abolished, to allow for an extension of time for reasonable cause.

SB 809 Application of parole statutes.

Repeals the abolition of parole
1/30/2020 Made it out of subcommittee hearing. (Still would have to pass Senate & House) The bill also provides that the Virginia Parole Board shall establish procedures for consideration of parole for persons who were previously ineligible for parole, because parole was abolished, to allow for an extension of time for reasonable cause.

Co-Payment

HB 281 1/24/2020 Assigned to Public Safety Committee; not read yet. Prisoners; medical care. Eliminates the Department of Corrections prisoner co-payment program for nonemergency health care services.

Oversight

HB 1100 1/29/2020 Read 3rd time & passed House. Next step, needs to pass Senate. Requires State Inspector General; powers and duties. Requires the State Inspector General to establish procedures governing the intake and investigation of complaints alleging fraud, waste, abuse, or corruption by a state agency or nonstate agency or by any officer or employee of a state agency or nonstate agency. Additional text from bill: Provide inspections of and make policy and operational recommendations for state facilities and for providers, including licensed mental health

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Conditional release of geriatric, terminally ill, or permanently physically disabled prisoners. Provides that any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who is terminally ill or permanently physically disabled is eligible for consideration by the Parole Board for conditional release. The bill also provides that any person serving such sentence (i) who is 65 years of age or older and has served at least five years of the sentence imposed or (ii) who is 60 years of age or older and has served at least 10 years of the sentence imposed is eligible for consideration by the Parole Board for conditional release without the need to petition the Parole Board.

House version of this bill, not yet passed.

Death Penalty

SB 116: Read third time and passed Senate (32-Y 7-N) 1/30/2020

Death penalty; severe mental illness. Provides that a defendant in a capital case who had a severe mental illness, as defined in the bill, at the time of the offense is not eligible for the death penalty. The bill establishes procedures for determining whether a defendant had a severe mental illness at the time of the offense and provides for the appointment of expert evaluators. The bill provides that when the defendant's severe mental illness is at issue, a determination will be made by the jury or by the judge in a bench trial as part of the sentencing proceeding, and the defendant bears the burden of proving his severe mental illness by a preponderance of the evidence. The bill also provides that in the event the defendant fails to provide notice that he will offer testimony by an expert witness at such sentencing proceeding, the court may either allow the Commonwealth a continuance or, where the defendant is unable to show good cause for untimely notice, bar the defendant from presenting such evidence. Now the House version has to get passed.

Continuity of Care

SB 656: Read third time and passed Senate (40-Y 0-N) (House version passed as well) Exchange of offender medical and mental health information and records. Provides that a health care provider who has been notified that a person to whom he has provided services is committed to a local or regional correctional facility must disclose to the person in charge of the facility any information necessary and appropriate for the continuity of care of the person committed. The bill also provides protection from civil liability for such health care provider, absent bad faith or malicious intent.

libertad condicional juvenil

SB 103 delinquentes juveniles; libertad condicional. Estipula que cualquier persona condenada a una cadena perpetua por un solo delito grave o múltiples delitos graves que fueron cometidos cuando esa persona fue menor, (continúa en la página 3)

Voir dire examination

HB 100: 1/31/2020 Passed House (waiting for vote on Senate version)

Voir dire examination of persons called as jurors; criminal case. Allows the court and counsel for either party in a criminal case to (i) ask potential jurors any relevant question to ascertain whether the juror can sit impartially in either the guilt or sentencing phase of the case and (ii) inform any potential juror as to the potential range of punishments to ascertain if the person or juror can sit impartially in the sentencing phase of the case.

Juvenile tried as adult

HB 744 1/31/2020 Passed House (waiting for vote on Senate version)

Sentencing of juvenile tried as adult. Provides that a court, in the case of a juvenile tried as an adult and convicted of a felony, may depart from any mandatory minimum sentence required by law, suspend any portion of an otherwise applicable sentence, or deal with the juvenile in the same manner as a case in the juvenile court if the court finds by clear and convincing evidence that the victim of the felony offense trafficked the juvenile in violation of human trafficking laws, sexually assaulted or abused the juvenile within one year of the commission of the felony offense, or sexually assaulted or abused the juvenile, causing such juvenile to be an abused or neglected child. The bill also requires the court, when sentencing a juvenile as an adult, to consider the juvenile's exposure to adverse childhood experiences, early childhood trauma, or any child welfare agency and the differences between juvenile and adult offenders, including the diminished culpability of juveniles. After considering such factors, the court may reduce or suspend any mandatory minimum sentence or maximum period of incarceration prescribed by law that the juvenile is required to serve by not more than 50 percent if the court determines that such reduction is appropriate in relation to the juvenile's age, the juvenile's prospects for rehabilitation, or any other mitigating factors.

Misinformad

A photocopied document has been circulating at Coffeewood, and perhaps other facilities, that states, among other things, that prisoners are owed money upon release due to their being incarcerated. This is not true. The document has no merit as confirmed by David Robinson, Chief of Corrections Operations.

ANorfolk 17 member died 1/20/2020

Louis Cousins was the first black student at Maury High School in Norfolk, in 1959. He was part of the Norfolk 17, a group of African American students who became the first to desegregate Norfolk schools. They courageously withstood angry mobs and threats of violence to go to school.

Rest in power.

treatment units in state correctional facilities, in order to prevent problems, abuses, and deficiencies in and improve the effectiveness of their programs and services. The State Inspector General shall provide oversight and conduct announced and unannounced inspections of state facilities and of providers, including licensed mental health treatment units in state correctional facilities, on an ongoing basis in response to specific complaints of abuse, neglect, or inadequate care and as a result of monitoring serious incident reports and reports of abuse, neglect, or inadequate care or other information received. The State Inspector General shall conduct unannounced inspections at each state facility at least once annually

Earned Sentence Credit

HB 1532 Passed out of subcommittee; referred to Committee for Courts of Justice

Establishes a four-level classification system for the awarding and calculation of earned sentence credits. The bill requires the calculation of earned sentence credits to apply retroactively to the entire sentence of any inmate who is confined in a state correctional facility and participating in the earned sentence credit system on July 1, 2020.

Partial text of bill, which may change:

1. Level I. For inmates receiving Level I sentence credits, 13 days shall be deducted from the inmate's sentence for every 30 days served. If the inmate maintains a Level I classification beyond one year consecutively, sentence credits shall be awarded as follows: (i) during the second year, 16 days shall be deducted for every 30 days served; (ii) during the third year, 20 days shall be deducted for every 30 days served; (iii) during the fourth year, 25 days shall be deducted for every 30 days served; and (iv) during the fifth year and any consecutive year thereafter, 30 days shall be deducted for every 30 days served. Level I sentence credits shall be awarded to inmates who participate in and cooperate with all programs to which the inmate is assigned pursuant to §53.1-32.1 and who have no more than one minor correctional infraction and no serious correctional infractions.
2. Level II. For inmates receiving Level II sentence credits, 7.5 days shall be deducted from the inmate's sentence for every 30 days served. Level II sentence credits shall be awarded to inmates who participate in and cooperate with all programs to which the inmate is assigned pursuant to §53.1-32.1 but who require improvement in not more than one area.
3. Level III. For inmates receiving Level III sentence credits, 3.5 days shall be deducted from the inmate's sentence for every 30 days served. Level III sentence credits shall be awarded to inmates who participate in and cooperate with all programs to which the inmate is assigned pursuant to §53.1-32.1 but who require significant improvement in two or more areas.
4. Level IV. No earned sentence credits shall be

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y quien ha cumplido al menos 20 años de esa condena, y cualquier persona quien tiene condenas activas que suman más de 20 años por un solo delito grave o múltiples delitos graves que fueron cometidos cuando esa persona fue menor y quien ha cumplido al menos 20 años de tales condenas, será elegible para la libertad condicional.

2021-01-21 APROBADO por el Senado (29-Sí 10-No)

HB35 delincuentes juveniles; libertad condicional. Estipula que cualquier persona condenada a una cadena perpetua por un solo delito grave o múltiples delitos graves que fueron cometidos mientras esa persona fue menor y quien ha cumplido al menos 25 años de tal condena (Enmendado a 20 años).

2020-01-23 APROBADO por la Cámara (56-Sí - 44-No)

Los dos proyectos de ley son semejantes y como uno fue aprobado por la Cámara y el otro por el Senado, los dos tiene que ser reconciliados. Si hay diferencias entre las versiones del proyecto de ley del Senado y de la Cámara, se crea un comité de conferencia para resolverlos. Después de que el proyecto de ley haya sido aprobado por ambas Cámaras de la Asamblea General, se imprime como proyecto de ley "registrado", y será examinado y firmado por el presidente de cada cámara. El proyecto de ley se envía al Gobernador para su aprobación, donde el Gobernador puede 1) firmar el proyecto de ley; 2) enmendar el proyecto de ley y devolverlo a la Asamblea General para su aprobación; 3) vetar el proyecto de ley y devolverlo a la Asamblea General, donde el cuerpo legislativo y el Senado pueden anular el veto a través de un voto de dos tercios de ambas Cámaras; o, 4) no tomar ninguna medida y el proyecto de ley se convierte en ley sin la firma del Gobernador. No está en la "legiscan" (sitio oficial de seguimiento del proyecto de ley) todavía, así que estoy adivinando aquí, pero parece que este es el proceso que está sucediendo con estos dos proyectos de ley. Se ve bien.

Juvenile Parole

SB 103 1/21/2020: Read third time and passed Senate (29-Y 10-N)

Juvenile offenders; parole. Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentence, and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentences, shall be eligible for parole.

A House version, HB 35, passed as well.



Rest Peacefully Kobe & Gigi

No Longer Weighted By Chains

By Richard Goode, Red Onion

Though my body is in a prison,
my love is soaring free.
I wear a genuine smile on my face because of
this new found hope in me.
I am no longer weighted by chains, where faint
echoes of the past won't leave me alone.
I see a light in the distance, spiraling through
an endless tunnel of the unknown.
Do I place my trust in this forthcoming
experience?
For I shall hesitate no more, seeking my
unconditional destination,
I hear it unlocking my heart's humble door.
Though my body is in a prison, my love is
soaring free. I wear a genuine smile on my face
because of this new found hope in me

The Virginia Prison Justice Network

Newsletter is published by the Coalition for Justice. PO Box 299, Blacksburg, VA 24063.
<https://vapjn.wordpress.com>

No somos abogados. Ayudamos a los presos con sus quejas durante el encarcelamiento ¡Ahora tenemos apoyo con el español para quejas o pregunta.

Do you have a poem or thought you'd like published? Send them to us!

¿Tienes un poema o ensayo corto que te gustaría publicar? ¡Mándanoslas!

Atención

Si desea una traducción de algún artículo, escríbanos. Te lo enviaremos.

awarded to any inmate who fails to participate in and cooperate with all programs to which the inmate is assigned pursuant to §53.1-32.1 or who causes substantial security or operational problems at the correctional facility.

HB 1284 Solitary Confinement

1/30/2020 Passed out of subcommittee hearing. (Would still have to pass House & Senate) Prohibits the use of isolated confinement in state correctional facilities and juvenile correctional centers, defined in the bill as confinement of a prisoner or juvenile to a cell, alone or with another prisoner or juvenile, for 20 hours or more a day for an adult or for 17 hours or more a day for a juvenile, other than for the purpose of providing medical or mental health treatment. The bill provides for exceptions for when isolated confinement may be permitted in state correctional facilities and juvenile correctional centers. The bill also requires the Board of Corrections to promulgate and establish standards placing limits on the use of isolated confinement in local correctional facilities that are consistent with the standards applicable to state correctional facilities

HB 277 Payments of court fines and costs; community work in lieu of payment; during imprisonment. (2020)

Sponsored by Delegate Marcia Price [D] 01/28/2020 House: VOTE: (97-Y 0-N) (Y: 96 N: 0 NV: 3 Abs: 0) [PASS]

Allows courts to provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work during imprisonment. Under current law, credit may be earned only for the performance of community service work completed before or after imprisonment.

Voting & Advocacy - Thanks!

If reform minded legislators had not been elected and committees hadn't changed, we would be looking at something quite different in this General Assembly.

Thanks to all who:

- vote or encouraged others to vote.
- work to push bills and/or to craft them.
- advocate for prisoners and their survival
- work to disrupt the school to prison pipeline
- work to help those reentering communities.
- work as legal advocates.
- educate their communities on issues
- show up at rallies, speak outs and the halls.

Thanks to prisoner organizers who never stop fighting for change. Jailhouse lawyers -- thanks to you too! Everyone has played a role -- whether in orgs or for those on their own or in a cell. Change is coming. Whatever happens this year, there will be more work to do next year. We continue -- all of us.