

Legislative Terminology	Updates –Key Bills That Had Been Pending	español
<p>Pass by Indefinitely: (PBI) This action allows the committee to reconsider legislation at a later meeting. <u>If the committee takes no further action, the bill is "dead."</u> On 3/3/2022, HB 735 was PBI in the Senate Finance Committee, and as no further action was taken, the bill was ultimately officially listed as failed.</p> <p>Passage: Yes, the House passed HB 735 but, as reported many times, all bills have to pass both Chambers so House bills can pass in the House but then they go to the Senate where they can pass, be modified, voted to continue to 2023, or fail. The same for Senate bills, many pass in the Senate only to be modified or defeated in the House.</p> <p>Strike: The bill is removed from the docket. This action frequently occurs at the request of the patron.</p> <p>Left: When a bill is not taken up before the deadline, then it is considered "Left in Committee" or No Action Taken. No motion is made on the bill and it dies at the time of the committee action deadline. Example: HB 345 Robbery. Introduced by: Vivian E. Watts [D]. 02/15/22 House: Left in Courts of Justice</p> <p>Continued to 2023: Action taken in an even-numbered year to postpone the consideration of a measure until the next regular session of the General Assembly. Continued legislation retains its originally assigned number. Example: HB 359 Termination of parental rights of person who committed sexual assault; evidence standard. Introduced by: Vivian E. Watts [D] 02/11/22 House: Continued to 2023 in Courts of Justice by voice vote</p> <p>Defeated: The rejection of a motion to report a bill to the full chamber. Example: HB 758 Probation, revocation, and suspension of sentence; penalty. Introduced by: Les R. Adams [R] 03/07/22 Senate: Defeated by Senate (18-Y 21-N) Example:</p> <p>Governor's Action Deadline: When there are fewer than seven days remaining in the regular or special session from the date a bill is presented to the Governor and the General Assembly adjourns to a reconvened session, the Governor shall have thirty days from the date of adjournment of the regular or special session in which to act on the bills presented to him and to exercise one of the three options set out below. If the Governor does not act on any bill, it shall become law without his signature. (Note: there is a Special Session this year) (i) The Governor may sign the bill if he approves it, and the bill shall become law. (ii) The Governor may veto the bill if he objects to it by returning the bill with his objections to the house in which the bill originated, (iii) The Governor may recommend one or more specific and severable amendments to a bill by returning it with his recommendation to the house in which it originated. Example: SB 6 Judges; increases from six to seven <i>(continued on page 2)</i></p>	<p>HB 108 Felony homicide; certain drug offenses, penalties. Introduced by John McGuire, III [R] Provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another person and such other person's use of the controlled substance results in his death, regardless of the time or place death occurred in relation to the commission of the underlying felony. The bill provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. The bill also provides that if a person gave or distributed a Schedule I or II controlled substance only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility, or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he is guilty of a Class 5 felony. 02/28/22 Senate: Passed by indefinitely in Judiciary (9-Y 6-N)</p> <p>HB 752 Office of the State Inspector General; investigations; prohibition on interference Introduced by Les Adams [R] Prohibits the Governor and the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries from interfering with or exerting undue influence upon any investigation by the Office of the State Inspector General of 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. 03/10/22 House: Signed by Speaker 03/11/22 Senate: Signed by President 03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022</p> <p>Unsnapped Disagreements between the House and the Senate that would have allowed incarcerated people to apply for food assistance before being released has, instead, turned into a study.</p> <p>HB 1270 SNAP benefits Be it enacted by the General Assembly of Virginia 1. § 1. That the Department of Social Services (the Department) shall convene a work group to analyze and develop a proposal to request a waiver of the provisions of 7 C.F.R. § 273.1(b)(7)(vi) by the U.S. Department of Agriculture to allow individuals in the custody of <i>(continued on page 2)</i></p>	<p>Los demócratas del senado rechazaron cuatro de los nombramientos para la junta de libertad condicional del gobernador, dejando solo al presidente Chadwick Dotson. Los miembros de la juntas habían estado en el puesto por seis semanas. Las decisiones de la junta para conceder la libertad condicional requieren, en la mayoría de casos, por lo menos tres votos de los miembros. Para los con delitos más serios (cadena perpetua por asesinato premeditado o agravado) requiere cuatro votos. Durante el periodo corto en que la junta había estado en marcha, a ninguno de los presos había sido concedida la libertad condicional. La junta votó a negar la libertad condicional en 177 casos, pero los investigadores habían recomendado negar la libertad condicional en todos los casos menos uno. Así que, parece que algunas de las concesiones reportadas habían sido determinadas por los examinadores ya. Dijo Dotson, en respuesta a los que están esperando las decisiones sobre la libertad condicional, «No podemos hacer esas decisiones ahora, así que la gente va a ser encarcelada indefinidamente». La libertad condicional se abolió en 1995 y los proyectos de ley que fueron introducidos en la asamblea de 2022 para restaurar la libertad condicional han fracasado.</p> <hr/> <p>All Of Us By Gwendolyn Burton, Fluvanna Good day all. I just wanted to say congrats to all of those women here that qualified for the early release with the new law passing! I wish you each well and pray that you never have to see the inside of these walls again for any reason. While you move on to the next chapter of your lives, please don't forget those on the inside and keep them in your hearts and minds even if only as a reminder of where you never want to be again. Blessings.</p> <hr/> <p>Other Bill Information SB 295 Behavioral health dockets; responsibilities of local pretrial services officers. Introduced by: Creigh Deeds [D] Provides that a local pretrial services officer may facilitate the referral to screening for a defendant to be placed in a behavioral health docket as a treatment service. Governor's Action Deadline 11:59 p.m., April 11, 2022 SB348: Support orders; retroactivity, arrearages, party's incarceration. Introduced by Senator Scott Surovell [D] 03/22/2022: Governor's Action Deadline 11:59 p.m., April 11, 2022 Makes various changes to provisions of law related to child and spousal support orders, including (i) providing that in cases in which jurisdiction over child support or spousal support has been divested from the juvenile and domestic relations district court and no final support order has been entered, any award for child support or spousal support in the circuit court shall be retroactive to <i>(continued on page 2)</i></p>

the maximum number in the Thirty-first Judicial Circuit. Introduced by: Scott Surovell [D] Maximum number of judges in each judicial circuit. Increases from six to seven the maximum number of authorized judges in the Thirty-first Judicial Circuit. 03/11/22 Governor's Action Deadline 11:59 p.m., April 11, 2022
Again, Note: ALL BILLS must pass BOTH the House and the Senate. Bills can pass in one chamber and be failed in the other. It happens all the time.

Parole

February 2022 Parole grants - 3 (2 discretionary, 1 dual eligibility)

As of March 17, 2022, there are 378 open parole cases, 50-75 of which involve inmates who have been recommended to be granted parole by parole examiners.

Governor Youngkin will not be allowed to re-appoint the rejected nominees and it is presumed that he is searching for new nominees. In the meantime, parole has ground to a halt. With the passage of Senator Suetterlein's [R] SB 5 and Delegate Williams' [R] HB 1303 bills that take effect this summer, the parole board votes will be subject to Freedom of Information Act (FOIA) requests. Senator Sutterlein said, "What it seeks to do is make parole board votes public. When someone in Virginia is charged with a crime, they know who accused them of committing that crime. When they're arrested, they know who arrested them. When it goes to trial, they know who prosecutes them, and they know the judge that oversees that. If it stays on appeal and they're unsuccessful, they know who was on the appellate court. Only when that person may be up for parole and that vote is not made public, that's the first step in the entire process that lacks that sunshine." The bills were in response to some of the Northam appointed parole board grants with Delegate Williams saying, "The days of the parole board abusing their authority to hide their votes, ignore the laws, and show contempt for victims and law-abiding Virginians are over. Moving forward, the parole board's power will come with accountability and transparency." Also, Senate Democrats rejected four of the Governor's Board appointments, leaving only chairman Chadwick Dotson. The board members had been on the job for six weeks. Board decisions to grant parole require, in most cases, at least three member votes. For those with more serious offense (life sentence for first degree or capital murder) require four votes. During the short period the Board had been on the job, no inmates had been granted parole. The board voted to deny parole in 177 cases, but examiners had recommended against granting parole in all but one of those cases. So, it appears that the few grants reported had already been determined by the examiners. Dotson said, in response to those waiting for parole decisions, "We can't make those decisions now, so people will be held indefinitely." Parole was
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state or local correctional facilities in the Commonwealth to apply for Supplemental Nutrition Assistance Program benefits prior to release from custody. The Department shall report the work group's findings and recommendations, including the waiver proposal, to the Governor and the General Assembly by November 1, 2022. 03/22/22 Governor's Action Deadline 11:59 p.m., April 11, 2022

SB 108: Correctional facilities; use of restorative housing.

Directs the DOC to convene a work group to study the use of restorative housing within state correctional facilities and juvenile correctional centers. The bill directs the Department to facilitate interviews between work group members and at least 25 persons currently incarcerated in a state correctional facility who are currently or who have within the past 12 months been placed in restorative housing, and confidential interviews with existing staff and facility officials as requested by the work group. The bill requires the work group to make recommendations of its findings, including how to safely reduce or end the use of restorative housing that lasts longer than 14 days, and to submit its findings by December 1, 2022. 03/22/2022: Governor's Action Deadline 11:59 p.m., April 11, 2022

SB 673 Local correctional facilities; entry privileges

Introduced by Joseph Morrissey [D] Authorizes the Governor and members of the General Assembly to enter the interior of any local correctional facility. 03/22/22 Governor: Governor's Action Deadline 11:59 p.m., April 11, 2022

Substitute bill text:
§ 53.1-127. Who may enter interior of local correctional facilities; searches of those entering. A. Members of the local governing bodies that participate in the funding of a local correctional facility may go into the interior of that facility. The Governor, members of the General Assembly, and agents of the Board may go into the interior of any local correctional facility. In addition, Department of Corrections staff and state and local health department staff shall, in the performance of their duties, have access to the interior of any local correctional facility subject to the standards promulgated pursuant to subsections A and B of § 53.1-68. Attorneys shall be permitted in the interior of a local correctional facility to confer with prisoners who are their clients and with prisoners who are 16 witnesses in cases in which they are involved. Except for the announced or unannounced inspections authorized pursuant to subsections A and B of § 53.1-68 or a review conducted pursuant to § 53.1-69.1, the sheriff, jail administrator, or other person in charge of the facility shall prescribe the time and conditions under which attorneys and other persons may
(continued on page 3)

the date on which the proceeding was commenced by the filing of the action in the juvenile and domestic relations district court and (ii) specifying that prejudgment interest on child support should be retroactive to the date of filing. Support orders; retroactivity; arrearages; party's incarceration. Makes various changes to provisions of law related to child and spousal support orders. The bill provides that a party's incarceration for 180 or more consecutive days shall not be deemed voluntary unemployment or underemployment for the purposes of calculating child support and imputing income for such calculation. The bill further provides that a party's incarceration for 180 or more days shall be a material change of circumstances upon which a modification of a child support order may be based. The provisions of the bill related to imputation of income apply only to petitions for child support and petitions for a modification of a child support order commenced on or after July 1, 2022, and do not create a material change in circumstances for the purposes of modifying a child support order if a parent was incarcerated prior to July 1, 2022, and the incarcerated party cannot establish a material change in circumstances other than incarceration.

SB 441 Correctional facilities, state; fees associated with inmates.

Introduced by Senator Boysko [D] 3/22/2022: Governor's Action Deadline 11:59 p.m., April 11, 2022 Directs the Department of Corrections to convene a work group to review and make recommendations regarding the reduction or elimination of costs and fees charged to inmates in state correctional facilities. The bill directs the Department to report its findings to the Chairmen of the House Committee on Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2022.

HB 800 Medical assistance services; eligibility, individuals confined in state correctional facilities.

Introduced by Delegate Marcia Price [D] 03/11/2022: Governor's Action Deadline 11:59 p.m., April 11, 2022
§ 32.1-325.04. Eligibility for medical assistance; individuals confined in state correctional facilities. A. The Department shall coordinate with the DOC to identify persons in the custody of state correctional facilities who are currently enrolled in the Commonwealth's program of medical assistance or who may be eligible for services under the state plan for medical assistance upon release and shall, prior to the release of such persons, (i) review the eligibility of currently enrolled persons to ensure continued access to medical assistance upon release or (ii) enroll persons not previously enrolled who meet eligibility criteria in the Commonwealth's program of medical assistance services; however, no services under the state plan for medical assistance shall be furnished to any person while confined in a state correctional facility unless
(continued on page 3)

abolished in 1995 and the bills introduced to restore parole in the 2022 Assembly failed. This was the failed resolution:

SJ 169 Governor; confirming appointments.

Introduced by: Adam P. Ebbin [D]

Confirms appointments of certain persons made by Governor Glenn Youngkin and communicated to the General Assembly February 18, 2022.

Tina Hoover of Rockingham, VA, Member, appointed on February 15, 2022, to serve an unexpired term beginning on June 1, 2020, and ending on June 30, 2024, to succeed Fernando Franco. PUBLIC SAFETY AND HOMELAND SECURITY

VA Parole Board Tracy Banks to serve at the pleasure of the Governor beginning January 15, 2022, to succeed Lethia Hammond. Cheryl Nici-O'Connell to serve at the pleasure of the Governor beginning January 24, 2022, to succeed A. Lincoln James. Charles Partin to serve at the pleasure of the Governor beginning January 26, 2022, to succeed Sherman Lea. Carmen Williams, to serve at the pleasure of the Governor beginning January 28, 2022, to succeed Kemba Smith Pradia.

03/10/22 Senate: Rejected by Senate (19-Y 21-N)

Retail Changes

The General Assembly failed to find a way to begin recreational marijuana sales this year. Instead, a law outlining stricter regulations for retailers selling synthetic products passed and is waiting for the Gov's signature. The bill explicitly bans sales of any substance that contains more than 0.3 percent or .25 milligrams of THC per serving or more than one milligram per package. The measurements would apply to any naturally occurring or synthetic version of THC such as delta-8, the popular synthetic substitute made from industrial hemp that producers claim is legal.

VA Stats

Nearly 8% of those behind bars are serving life sentences and 4.5% are serving life sentences without parole, which is over twice the nationwide percentage. Total incarcerated, prison and jail: 64,781 — Prison population: 36,091 — Prison incarceration rate per 100,000: 422 (#16 highest among all states) — Jail population (2013): 28,690 — Jail incarceration rate per 100,000 (2013): 450 (#7 highest among all states) Private prison population: 1,540, Probation population: 65,520, Parole population: 1,921 Life sentences (2020): 2,867 — Life without parole (2020): 1,628 — Juvenile life without parole (2020): 50 White imprisonment rate per 100,000: 287 (#23 highest among all states) Black imprisonment rate per 100,000: 1,246 (#32 highest among all states) Corrections expenditures: \$1,488 million

enter the local correctional facility for which he is responsible.

B. Any person seeking to enter the interior of any local correctional facility shall be subject to a search of his person and effects. Such search shall be performed in a manner reasonable under the circumstances and may be a condition precedent to entering a local correctional facility.

General Assembly

On March 12, the General Assembly adjourned. There were 2,141 bills introduced by the House and Senate – 1,097 bills failed and 842 were sent to the Gov for his signature, or he can amend or veto. April 11: Last day for Governor's action on legislation; April 27; Reconvened session; July 1; Effective date of enacted legislation (unless enactment date is otherwise stated in a bill)

The Governor's First Veto

The Governor's first veto was to block a measure that would have allowed Arlington County's governing board to hire an independent policing auditor, a bill introduced by Delegate Patrick Hope [D].

Cruise Control

By Azeem Majeed

Amongst my greatest accomplishments is the establishment of my own company: Azeem Majeed LLC (Azeem Majeed Inspires). Through my company I operate as a motivational speaker and as a re-entry and legal consultant business. I also aim to inspire my community, specifically the youth, by mentoring them and sharing the testimony of how I got caught up in "the system", overcame a double life without parole sentence plus 29 years, and am now a free man. I specialize in juvenile justice reform (as well as Criminal Justice and Prison Reform) as I was a juvenile offender incarcerated at 17 years of age. I share with others the tools that I've learned to master self control and become the best version of myself throughout my 26 years of incarceration. Furthermore, I share my re-entry expertise to advise organizations, returning citizens, and others of the necessary steps that need to be taken in order to have a successful re-entry. I also advise prisoners and other relevant entities on approaches that could be taken in order to prepare an impressive parole package or Clemency Petition. I have an ardent desire to remain a constant source of inspiration to my incarcerated brothers and sisters, and to serve as an example and a constant reminder that nothing is impossible to accomplish if they commit to the process and take their time while remaining persistent in their push towards their goal(s). Email: majeedizeit@gmail.com

Covid -19 Stats

3/26/2022: 13 inmates cases, 14 staff cases.

federal financial participation is available to pay for the cost of the services provided.

B. An individual who is enrolled in the Commonwealth's program of medical assistance services at the time of release from the custody of a state correctional facility shall be eligible for services upon release and shall continue to be eligible for services under the state plan for medical assistance until such time as the person is determined to no longer be eligible for medical assistance.

We Shouldn't Be Broken

By Travis Ball, Rappahannock Regional Jail
You've given enough of yourself already.
Justice metered Isn't justice given
Be stronger today, in the name of self preservation
Your identity lies in your thoughts, because you're among the living
As a whole, it's us that is healing in need of salvation
But it's fair to say we shouldn't be broken.
My heart... My selfless heart is a survivor of world's selfish abuse
Your beauty is a flame but right now you're neglected and
your beauty's to blame
So what's hurting you?
How can we heal you both?
Let's ... no, can we communicate?
Don't be obtuse
I only want you to not simply be alive,
I want you to
live to tell me your name
And that's enough reason –
we shouldn't be broken
I am only one man, out of many men
but my compassion for corrective communication is something more than I can bear
which is why I'm such an admirer of the most fiercest dedication to women
For they are natural healers, and, wonders, and also givers of life for us to share
For once, my silence has spoken, if just to simply say
We shouldn't be broken

The Virginia Prison Justice Network Newsletter

The newsletter goes out to 1,555 incarcerated people. The monthly newsletter is published by the Coalition for Justice, PO Box 299, Blacksburg, VA 24063. **Please note: WE ARE NOT LAWYERS.** Have a poem or thought you'd like published? Send them!

Thanks to all who send stamps -- We are humbled and grateful.

español

No somos abogados. Ayudamos a los presos con sus quejas durante el encarcelamiento ¡Ahora tenemos apoyo con el español para quejas o preguntas. ¿Tienes un poema o ensayo corto que te gustaría publicar? Envíalos a nosotros