

Bills of Concern to Virginia CURE 2016 General Assembly

Juvenile Sentence Modification

There has lately been a great deal of information concerning the development of the juvenile brain indicating that teenagers do think differently. However, juveniles continue to be sentenced as if they were adults. This bill addresses the issue of juveniles receiving long sentences with no hope of release.

SB 94 Juvenile offenders; sentence modification.: [David W. Marsden](#) (D-37) Provides a mechanism for a person convicted of a nonhomicide offense committed on or after January 1, 1995, while the person was a juvenile, and who is sentenced to life or a term of confinement that would be completed after his 60th birthday, to petition for a modification of sentence at age 35 or after serving 20 years of the sentence, whichever occurs later. **Companion bill:** HB 53 [Sam Rasoul](#) (D-11)

Expungement of Records

The emphasis on punishment that has guided criminal justice practices for the last 20 odd years has given way to a new emphasis on rehabilitation, which data and numerous studies show to be an effective way to control crime and lower recidivism. A criminal record can have dire collateral consequences as most people know by now. These bills allow first time drug offenders, many juveniles, to have criminal records expunged so youthful mistakes do not affect them for the rest of their lives.

HB 74 Drug offenses, misdemeanor; expungement of records. [Jeffrey L. Campbell](#) (R-6) Allows a person convicted of a first offense of possession of controlled substances or marijuana who was not afforded the opportunity to be placed on probation in lieu of a conviction to petition to have his conviction expunged after a 10-year period has expired following the conviction. **Matching bills:** SB 22 [Ryan T. McDougle](#) HB 112 [L. Scott Lingamfelter](#) (R-31),

Parole

There are over 400 Old Law prisoners in the Virginia system who were sentenced before the abolishment of parole and who are serving longer sentences than New Law prisoners for the identical crime. This is a result of the low grant rate of the Virginia Parole Board which needs to take another look at these people and release those who have served too long at, we might mention, a cost to the state to keep them incarcerated.

HB 1031 Parole Board; parole review; required release. [Mark D. Sickles](#) D(43) Requires the Parole Board to release any person eligible and under consideration for and seeking parole for whom the Virginia Criminal Sentencing Commission has already determined, or who otherwise demonstrates, that his time served has exceeded the midpoint of the sentencing guidelines. The bill authorizes the Board to defer such release if there is substantial risk of serious criminal conduct or an inadequate release plan, in which case the Board is required to issue a reasoned decision explaining the basis for such deferral.

Grand Larceny

The threshold for Grand Larceny in Virginia has not been changed for decades. There are many victims of this threshold, especially children who steal something as small as a cell phone. We believe that raising the amount for Grand Larceny would prevent the labeling of petty crimes as felonies, leading to crowding of state institutions with low level offenders who could be handled more appropriately and less expensively in other ways.

SB 177 Grand larceny; increases threshold amount of money taken to \$1000, etc.: [Scott A. Surovell](#) (D-36)- Increases from \$200 to \$1,000 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes **Companion Bills:** HB 396 [Steve E. Heretik](#) (D-79), SB 23 [Bryce E. Reeves](#) (R-17)

Inmate Telephone System

This bill, by placing the no commission rule into code, ensures that a future governor will not be able to change the current lowered rates by reinstalling the commission paid by the telephone companies to the state.

HB 91 Telephone systems within correctional facilities; commission payments [Patrick A. Hope](#) (D-47) Prohibits entities or agencies of the Commonwealth or political subdivisions thereof from receiving commission payments from companies that provide inmate telephone services. **Companion bill:** SB 322. [Adam P. Ebbin](#) (D-30)

TANF (Temporary Assistance to Needy Families)

For years, Virginia has refused to opt out of the TANF ban on drug offenders (as over 30 states have done.). Most of those affected by this ban are women, most of whom have children. These women are denied TANF benefits and services that would allow them to better support their families and to more successfully integrate into the community. TANF funds received by the state that are not applied to families deemed ineligible are instead applied to state programs while state money supporting these programs is diverted to other state programs (a practice that is known as “supplanting”). We believe that Virginia should opt out of the TANF ban on drug offenders, allow families to receive TANF services and stop supplanting unused TANF funds to state programs.

HB 990 TANF; federal funds not used to supplant nonfederal funds. [Alfonso H. Lopez](#) (D-49) Provides that federal funds made available to a the Commonwealth for purposes of the Temporary Assistance for Needy Families (TANF) program shall not be used to supplant nonfederal funds for existing services and activities that promote a purpose of TANF and that state or local funds expended for such a purpose shall be maintained at least at the level of such expenditures for fiscal year 2015-2016.

HB 992 Eligibility for TANF; drug-related felonies. [Alfonso H. Lopez](#) (D-49) Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed a substance abuse treatment program, and participates in drug screenings. The bill provides that a person who fails or refuses to participate in periodic drug testing or who tests positive for the use of illegal substances shall be ineligible to receive TANF benefits for a period of 12 months; however, such person is given one opportunity during the 12-month period to comply with the testing requirement and be reinstated to eligibility for TANF

Ban the Box

Many job applications ask applicants if they have ever been convicted of a crime. Ex-offenders must check the box “Yes,” which often eliminates the applicant from the job process, with no further consideration or interview. This practice serves as one more barrier to successful reentry and should be ended! This legislation allows returned citizens applying for state jobs to be given the opportunity to advance at least to the interview stage where they can exhibit their qualifications in a face to face environment.

SB 335 Public employment; inquiries by state agencies and localities regarding criminal convictions, charges and arrests [Rosalyn R. Dance](#) (D- Prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if the prospective employee has a conviction record that directly relates to the duties and responsibilities of the position. A prospective employee may not be asked if he has ever been arrested or charged with a crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if (i) the prospective employee's criminal arrest or charge resulted in the prospective employee's conviction of a crime and (ii) the crime of which he was convicted directly relates to the duties and responsibilities of the position. The prohibition does not apply to applications for employment with law-enforcement agencies or certain positions designated as sensitive or in instances where a state agency is expressly permitted to inquire into an individual's criminal history for employment purposes pursuant to any provision of federal or state law. The bill also authorizes localities to prohibit such inquiries. **Companion bill** HB 530 [Betsey Carr](#) (D-69)