

**REVIEW OF THE 2011 SESSION
OF THE VIRGINIA GENERAL ASSEMBLY**

**for
PAPIS Coalition**

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If you would like to obtain a copy of a specific measure, you may do so by calling Legislative Information at 804.698.1500 or writing to Legislative Information, P.O. Box 406, Richmond, VA 23218. Information is also available on the Internet at <http://leg1.state.va.us>. Of course, if additional information regarding a specific piece of legislation is desired or if other questions arise, you should feel free to contact Travis Hill at 804.783.6437 or Katie Payne at 804.420.6492.

PREFACE

Williams Mullen tracks bills and resolutions introduced in the 2011 session of the Virginia General Assembly which are identified by us or by our clients as having a potential impact on our clients. The *Review of the 2011 Session of the Virginia General Assembly* which follows provides you with an end of session report on all bills and resolutions we identified as being of interest to you. While our engagement is primarily limited to budget matters, we thought it would be helpful to highlight those legislative issues that may be of interest to you. The report does not include work we did on your behalf on the budget bills. Please let us know if you would like more information on the budget than we have already provided to you.

This report contains a brief summary of the bills and resolutions identified by Williams Mullen as being of interest to you. The text for the summaries is largely based on the summaries prepared by the Division of Legislative Services and, if applicable, reports key legislation, passed legislation, failed legislation and legislation that was carried over to the 2012 session of the General Assembly.

We hope this report will give you a comprehensive review of all legislation of interest to you that was considered by the Virginia General Assembly during the 2011 session. If you have further questions please contact Travis Hill at thill@williamsmullen.com or 804.420.6437, or Katie Payne at kpayne@williamsmullen.com or 804.420.6492.

Results of 2011 Legislation Monitored for PAPIS Coalition

Bill Number	Description	Chief Patron	Last action
HB2225	Inmates; Department of Corrections to establish a personal trust account therefor.	Wright	Passed - Approved by Governor-Chapter 260 (effective 1/1/12)
HB2347	Incarcerated defendant; waiver of payment of interest on fines and costs for certain cases.	Morrissey	Failed - Left in House Courts of Justice
HJ634	Constitutional amendment; restoration of civil rights to persons convicted of felonies.	Morrissey	Failed - Left in House Privileges and Elections
SB775	Incarcerated defendant; waiver of payment of interest on fines and costs for certain cases.	Marsh	Failed - Left in House Courts of Justice
SB923	Inmates; Department of Corrections to establish a personal trust account therefor.	McDougle	Passed - Approved by Governor-Chapter 284 (effective 1/1/12)
SB1421	Correctional facilities, local; collection of fees and costs.	Quayle	Failed - Passed by indefinitely in Senate Rehabilitation and Social Services (14-Y 0-N)
SJ284	Constitutional amendment; restoration of civil rights to persons convicted of nonviolent felonies.	Miller, Y.B.	Failed - Left in House Privileges and Elections
SJ306	Constitutional amendment; restoration of civil rights to persons convicted of certain felonies.	McEachin	Failed - Incorporated by Senate Privileges and Elections (SJ284-Miller, Y.B.) (15-Y 0-N)

Summary of 2011 Legislation Monitored for PAPIS Coalition

HB 2225 Inmates; Department of Corrections to establish a personal trust account therefor.

Chief patron: Wright

Summary as passed House:

Department of Corrections; inmate trust accounts. Requires the Department of Corrections to establish for each inmate a personal trust account consisting of 10 percent of any funds received by an inmate from any source until the account has a balance of \$1,000. Funds in an inmate's personal trust account shall be paid to the inmate upon parole or final discharge. SB 923 is identical.

HB 2347 Incarcerated defendant; waiver of payment of interest on fines and costs for certain cases.

Chief patron: Morrissey

Summary as introduced:

Waiver of payment of interest on fines and costs; incarcerated defendant. Provides for the purging of interest on fines and costs for an incarcerated defendant when such fines and costs have accrued on cases other than the one for which the defendant is incarcerated. Current law provides for the interest waiver only for the case for which the defendant is incarcerated.

HJ 634 Constitutional amendment; restoration of civil rights to persons convicted of felonies.

Chief patron: Morrissey

Summary as introduced:

Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The proposed amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law. This resolution is identical to HJR 524 and HJR 610.

SB 775 Incarcerated defendant; waiver of payment of interest on fines and costs for certain cases.

Chief patron: Marsh

Summary as introduced:

Waiver of payment of interest on fines and costs; incarcerated defendant. Provides for the purging of interest on fines and costs for an incarcerated defendant when such fines and costs have accrued on cases other than the one for which the defendant is incarcerated. Current law provides for the interest waiver only for the case for which the defendant is incarcerated.

SB 923 Inmates; Department of Corrections to establish a personal trust account therefor.

Chief patron: McDougle

Summary as passed:

Department of Corrections; inmate trust accounts. Requires the Department of Corrections to establish for each inmate a personal trust account consisting of 10 percent of any funds received by an inmate from any source until the account has a balance of \$1,000. Funds in an inmate's personal trust account shall be paid to the inmate upon parole or final discharge. HB 2225 is identical.

SB 1421 Correctional facilities, local; collection of fees and costs.

Chief patron: Quayle

Summary as introduced:

Local correctional facilities; collection of fees and costs. Allows sheriffs and jail superintendents to enter into installment payment agreements with prisoners for the payment, after release, of costs and fees owed for the prisoner's keep. The bill also allows the enforcement of such payment agreements through driver's license suspension. The bill allows the sheriffs and jail superintendents to use private attorneys and collection agencies to collect fees and costs due them.

SJ 284 Constitutional amendment; restoration of civil rights to persons convicted of nonviolent felonies.

Chief patron: Miller, Y.B.

Summary as passed Senate:

Constitutional amendment (first resolution); restoration of civil rights. Authorizes the

General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law. This resolution incorporates SJR 306.

SJ 306 Constitutional amendment; restoration of civil rights to persons convicted of certain felonies.

Chief patron: McEachin

Summary as introduced:

Constitutional amendment (first resolution); restoration of civil rights. Provides for the automatic restoration of civil rights to persons convicted of nonviolent felonies (excepting felony drug and election fraud crimes) upon completion of sentence, including any term of probation or parole. The bill further provides that persons convicted of violent felonies, felony drug crimes, or election fraud crimes may have their civil rights restored by the Governor upon completion of sentence, including any term of probation or parole, and authorizes the General Assembly to provide by law for the restoration of civil rights to such persons. The restoration of rights pursuant to this provision has no effect on the right to possess firearms. This resolution was incorporated into SJR 284.

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