

ISSUES  
*FROM THE FIELD*

One



# § 19.2-11.01

## Crime Victim and Witness Rights Act

Commonwealth's Attorneys and the Attorney General's staff has asked that the Guidelines be modified to capture if the provisions of § 19.2-11.01 are applied in all cases.

### § 19.2-11.01. Crime victim and witness rights

*In a felony case, the attorney for the Commonwealth shall consult with the victim either verbally or in writing (i) to inform the victim of the contents of a proposed plea agreement and (ii) to obtain the victim's views about the disposition of the case, including the victim's views concerning dismissal, pleas, plea negotiations and sentencing. However, nothing in this section shall limit the ability of the attorney for the Commonwealth to exercise his discretion on behalf of the citizens of the Commonwealth in the disposition of any criminal case. The court shall not accept the plea agreement unless it finds that, except for good cause shown, the Commonwealth has complied with clauses (i) and (ii). Good cause shown shall include, but not be limited to, the unavailability of the victim due to incarceration, hospitalization, failure to appear at trial when subpoenaed, change of address without notice, or failure to provide an address or phone number as required in subdivision A 3 b.*

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## 2023 SESSION

another bill? | print version

**SB 1244 Crime Victim and Witness Rights Act; notifications to victims.**  
Introduced by: Scott A. Surovell | all patrons ... notes | add to my profiles

**SUMMARY AS PASSED:** (all summaries)  
Crime Victim and Witness Rights Act; notifications to victims; Attorney General. Directs the Attorney General, whenever the Attorney General represents the Commonwealth in any criminal appeal, to consult with the victim in the same manner as prescribed by current law for the attorney for the Commonwealth in a felony case.

**FULL TEXT**  
01/10/23 Senate: Prefiled and ordered printed; offered 01/11/23 23100068D pdf | impact statement  
02/20/23 House: Committee substitute printed 23107175D-H1 pdf | impact statement  
03/07/23 Senate: Bill text as passed Senate and House (SB1244ER) pdf | impact statement  
03/26/23 Governor: Acts of Assembly Chapter text (CHAP0559) pdf

**AMENDMENTS**  
House subcommittee amendments and substitutes offered  
House subcommittee amendments and substitutes adopted

**HISTORY**  
01/10/23 Senate: Prefiled and ordered printed; offered 01/11/23 23100068D  
01/10/23 Senate: Referred to Committee on the Judiciary  
02/06/23 Senate: Reported from Judiciary (15-Y 0-N)  
02/06/23 Senate: Constitutional reading dispensed (39-Y 0-N)  
02/07/23 Senate: Read second time and engrossed  
02/07/23 Senate: Constitutional reading dispensed (40-Y 0-N)  
02/07/23 Senate: Passed Senate (40-Y 0-N)  
02/10/23 House: Placed on Calendar  
02/10/23 House: Read first time  
02/10/23 House: Referred to Committee for Courts of Justice  
02/16/23 House: Assigned Courts sub: Subcommittee #1  
02/17/23 House: Subcommittee recommends reporting with substitute (8-Y 0-N)  
02/20/23 House: Reported from Courts of Justice with substitute (20-Y 0-N)  
02/20/23 House: Committee substitute printed 23107175D-H1  
02/22/23 House: Read second time  
02/23/23 House: Read third time  
02/23/23 House: Committee substitute agreed to 23107175D-H1  
02/23/23 House: Engrossed by House - committee substitute SB1244H1



# § 19.2-11.01

## Crime Victim and Witness Rights Act

A preferred solution would be to place the factor on the Disposition Page. The judge would be responsible for completing this section.

If accepted by the court the  
Adjusted Range is: \_\_\_\_\_ TO \_\_\_\_\_  
Years Months Days Years Months Days

◆ **SENTENCE**

Taken under Advisement/Continued

Total Time Imposed Before Suspension .....  Life Sentence + 

|       |        |      |
|-------|--------|------|
| Years | Months | Days |
|       |        |      |

 Sentenced to Time Served

Total Effective Time to Serve .....  Life Sentence + 

|       |        |      |
|-------|--------|------|
| Years | Months | Days |
|       |        |      |

Incarceration Sentence to Run Concurrently With Another Event  
 Restitution \$ \_\_\_\_\_  Fine \$ \_\_\_\_\_

**Post Release**

Post Release Incarceration Term § 18.2-10 (suspended) ..... 

|       |        |      |
|-------|--------|------|
| Years | Months | Days |
|       |        |      |

  
(6 months to 3 years)

Post Release Supervision Period § 19.2-295.2(A) ..... 

|       |        |      |
|-------|--------|------|
| Years | Months | Days |
|       |        |      |

  
(6 months to 3 years)

**Probation** (Sentenced to no time, probation up to statutory maximum; Sentenced to incarceration, probation up to 5 years )

Probation Period (Supervised)  Indeterminate Not to Exceed § 19.2-303 

|       |        |      |
|-------|--------|------|
| Years | Months | Days |
|       |        |      |

**Good Behavior**

Good Behavior Period (§ 19.2-306) \_\_\_\_\_  Fixed at Statutory Maximum § 19.2-303.1

**Agreements and Other Details** (check all that apply)

Written Plea Agreement Accepted = Rule 3A:8(c)(1) (A) or (C)  
 Plea and Recommendation Accepted = Rule 3A:8(c)(1)(B)  
 Oral Sentence Recommendation Accepted

**Other Sentencing Programs** (check all that apply)

Day Reporting  Community-Based Program  
 Electronic Monitoring  CCAP  
 Intensive Probation  Drug Court 

|                 |  |  |
|-----------------|--|--|
| Office Use Only |  |  |
|-----------------|--|--|

  
 Substance Abuse Treatment  Youthful Offender  
 § 18.2-251/§ 18.2-258.1  DJJ Commitment  Indeterminate  Determinate  
 Other \_\_\_\_\_

The Attorney for Commonwealth did make a good faith effort to communicate the terms of the plea agreement with the victim as defined in § 19.2-11.01. The attorney stated on the record that the victim  supports  opposes  has the following views about the disposition: \_\_\_\_\_

◆ **REASON FOR DEPARTURE AND/OR MODIFICATION OF JURY SENTENCE**  
Must be completed pursuant to § 19.2-298.01(B) and/or § 19.2-295(B)/ § 19.2-303

Accepted Nonviolent Risk Assessment recommendation, no departure reason needed. 

|                 |  |  |  |  |
|-----------------|--|--|--|--|
| Office Use Only |  |  |  |  |
|-----------------|--|--|--|--|

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

◆ **SENTENCING DATE**

|       |     |      |
|-------|-----|------|
| Month | Day | Year |
|       |     |      |

 \_\_\_\_\_  
Judge's Signature



# § 19.2-11.01

## Crime Victim and Witness Rights Act

Another option would be to place the question on the Case Details Worksheet. The attorney for the Commonwealth (CA) or the Probation Officer (when the CA provides the information) would be responsible for completing this section.

5. Pretrial Supervision by Pretrial Services Agency:  No  Yes  Yes, ordered but did not complete/attend  Unknown

6. Posttrial Status:  Secured Bond  Unsecured Bond  Own Recognizance  Confinement  Third Party Release  Unknown

7. Source of Bond:  Personal  Family  Other  Bonding Company  N/A  Unknown

8. Total Time Served Prior to Sentencing: Years \_\_\_\_\_ Months \_\_\_\_\_ Days \_\_\_\_\_  N/A

9. Number of Codefendants: \_\_\_\_\_

10. Legal Status at Offense (check all that apply):

|   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Escaped                          | <input type="checkbox"/> Inmate                     | <input type="checkbox"/> Mandatory Parole      | <input type="checkbox"/> Discretionary Parole                           |
| <input type="checkbox"/> Geriatric Release - § 53.1-40.01 | <input type="checkbox"/> Post Release - §19.2-295.2 | <input type="checkbox"/> Probation             | <input type="checkbox"/> Bond   |
| <input type="checkbox"/> Recognizance                     | <input type="checkbox"/> Community Program          | <input type="checkbox"/> Pre-Trial Supervision | <input type="checkbox"/> Good Behavior <input type="checkbox"/> Unknown |
| <input type="checkbox"/> Juvenile Probation               | <input type="checkbox"/> Juvenile Parole            | <input type="checkbox"/> Summons               | <input type="checkbox"/> Other _____ <input type="checkbox"/> None      |

11. Weapon Use:  None  Possessed  Used to Injure  Used to Threaten (by voice, note, text, etc.)  Unknown

12. Weapon Type:  Firearm  Knife  Explosive  Simulated/Feigned Weapon  Blunt Object  
 Note/Verbal  Vehicle  Animal  Other \_\_\_\_\_  N/A

13. Offender's Role  Alone  Leader  Accomplice  Police Officer/LEO  Not Determined  Unknown

14. Value of Property Taken/Damaged: Highest value for one item \$ \_\_\_\_\_ Total value of all items \$ \_\_\_\_\_  N/A

15. Location:  Bank  Business  Residence  Street/Outside  Automobile  Other \_\_\_\_\_  N/A

16. Injury to Victim:  Death  Life Threatening  Serious Physical  Physical  
 Emotional  Threatened  None  N/A

17. Victim Relationship to Offender:  None/Stranger  Known  Friend  
 Family  Police Officer/LEO  Other \_\_\_\_\_  N/A

18. Victim Information: Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_ Age: \_\_\_\_\_  
 Physical Disability  Intellectual Disability  Autism Spectrum Disorder  Unknown

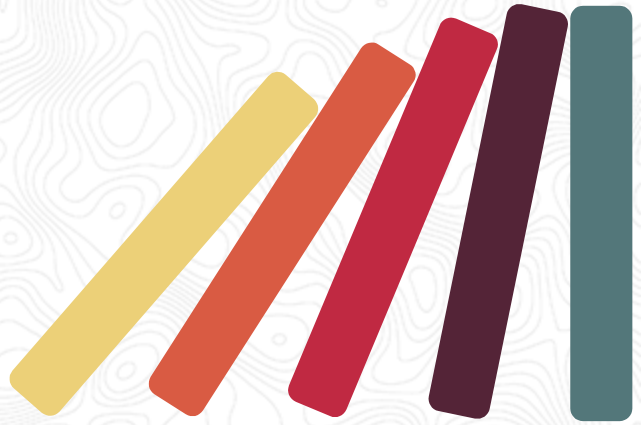
19. Type of Primary Drug: \_\_\_\_\_ Quantity: \_\_\_\_\_ Unit: \_\_\_\_\_  N/A

20. Number of Felony Juvenile Adjudications: Person \_\_\_\_\_ Property \_\_\_\_\_ Drug \_\_\_\_\_ Other \_\_\_\_\_  None  Unknown

21. Did the Attorney for Commonwealth make a good faith effort to communicate the terms of the plea agreement with the victim as defined in § 19.2-11.01?  Yes  No

After communicating with the victim, the victim:

supports  opposes  has the following views about the disposition: \_\_\_\_\_



ISSUES  
*FROM THE FIELD*

Two



## § 53.1-202.3

### *Earned Sentence Credits*

Legislation is passed and in some cases the impact of § 53.1-202.3 is not addressed.

Staff will begin to note on the Fiscal Impact Statements that the legislature may need to consider the impact of § 53.1-202.3 on newly established felonies.

**The Commission has no position or recommendation on this matter.**



# § 53.1-202.3

## *Earned Sentence Credits*

A. A maximum of 4.5 sentence credits may be earned for each 30 days served on a sentence for a conviction for any offense of:

1. A Class 1 felony;
2. Solicitation to commit murder under § 18.2-29 or any violation of § 18.2-32, 18.2-32.1, 18.2-32.2, or 18.2-33;
3. Any violation of § 18.2-40 or 18.2-45;
4. Any violation of subsection A of § 18.2-46.5, of subsection D of § 18.2-46.5 if the death of any person results from providing any material support, or of subsection A of § 18.2-46.6;
5. Any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2;
6. Any malicious felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, any violation of § 18.2-51.6 or 18.2-51.7, or any felony violation of § 18.2-57.2;
7. Any felony violation of § 18.2-60.3;
8. Any felony violation of § 16.1-253.2 or 18.2-60.4;
9. Robbery under § 18.2-58 or carjacking under § 18.2-58.1;
10. Criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
11. Any violation of § 18.2-90;
12. Any violation of § 18.2-289 or subsection A of § 18.2-300;
13. Any felony offense in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2;
14. Any felony offense in Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2, except for a violation of § 18.2-362 or subsection B of § 18.2-371.1;
15. Any felony offense in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, except for a violation of subsection A of § 18.2-374.1:1;
16. Any violation of subsection F of § 3.2-6570, any felony violation of § 18.2-128, or any violation of § 18.2-481, 37.2-917, 37.2-918, 40.1-100.2, or 40.1-103; or
17. A second or subsequent violation of the following offenses, in any combination, when such offenses were not part of a common act, transaction, or scheme and such person has been at liberty as defined in § 53.1-151 between each conviction:
  - a. Any felony violation of § 3.2-6571;
  - b. Voluntary manslaughter under Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
  - c. Any violation of § 18.2-41 or felony violation of § 18.2-42.1;
  - d. Any violation of subsection B, C, or D of § 18.2-46.5 or § 18.2-46.7;
  - e. Any violation of § 18.2-51 when done unlawfully but not maliciously, § 18.2-51.1 when done unlawfully but not maliciously, or § 18.2-54.1 or 18.2-54.2;
  - f. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;
  - g. Any violation of § 18.2-89 or 18.2-92;
  - h. Any violation of subsection A of § 18.2-374.1:1;
  - i. Any violation of § 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; or
  - j. Any violation of subdivision E 2 of § 40.1-29.

The earning of sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs to which a person is assigned pursuant to § 53.1-32.1.

B. For any offense other than those enumerated in subsection A for which sentence credits may be earned, earned sentence credits shall be awarded and calculated using the following four-level classification system:

1. Level I. For persons receiving Level I sentence credits, 15 days shall be deducted from the person's sentence for every 30 days served. Level I sentence credits shall be awarded to persons who participate in and cooperate with all programs to which the person is assigned pursuant to § 53.1-32.1 and who have no more than one minor correctional infraction and no serious correctional infractions as established by the Department's policies or procedures.
2. Level II. For persons receiving Level II sentence credits, 7.5 days shall be deducted from the person's sentence for every 30 days served. Level II sentence credits shall be awarded to persons who participate in and cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1, but who require improvement in not more than one area as established by the Department's policies or procedures.
3. Level III. For persons receiving Level III sentence credits, 3.5 days shall be deducted from the person's sentence for every 30 days served. Level III sentence credits shall be awarded to persons who participate in and cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1, but who require significant improvement in two or more areas as established by the Department's policies or procedures.
4. Level IV. No sentence credits shall be awarded to persons classified in Level IV. A person will be classified in Level IV if that person willfully fails to participate in or cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1 or that person causes substantial security or operational problems at the correctional facility as established by the Department's policies or procedures.

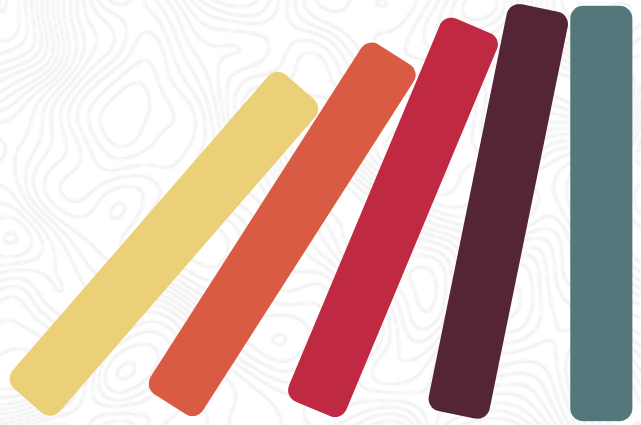


## New Offenses Added on or After July 1, 2022

| STATUTE       | DATE     | HEADING                          | SUBHEADING                    | DESCRIPTION  |
|---------------|----------|----------------------------------|-------------------------------|--|
| 18.2-46.6     | 7/1/2023 | TERRORISM                        | Fentanyl                      | Fentanyl, weapon of terrorism  |
| 18.2-59.1     | 7/1/2023 | EXTORTION                        | Sexual Extortion              | Sexual extortion   |
| 18.2-59.1     | 7/1/2023 | EXTORTION                        | Sexual Extortion              | Sexual extortion of minor  |
| 18.2-103.1    | 7/1/2023 | LARCENY                          | Retail Theft, Organized       | Conspire retail theft aggregate value >\$5000 over 90 days             |
| 18.2-146      | 7/1/2022 | VANDALISM, DAMAGE<br>PROPERTY    | Vehicle                       | Catalytic converter, damage, etc., vehicle, aircraft or boat for       |
| 18.2-146.1    | 7/1/2023 | VANDALISM, DAMAGE<br>PROPERTY    | Vehicle                       | Catalytic converter, unlawful purchase or sale                         |
| 18.2-340.30   | 7/1/2022 | PERJURY                          | Gambling                      | Charitable gaming, false information on report                         |
| 18.2-356.1(A) | 7/1/2023 | FAMILY OFFENSE                   | Minor, Purchasing or Selling  | Offer money, etc., to obtain custody or control of minor               |
| 18.2-356.1(B) | 7/1/2023 | FAMILY OFFENSE                   | Minor, Purchasing or Selling  | Receive money for custody or control on minor, offer to sell, etc.     |
| 18.2-361.01   | 7/1/2022 | SEX OFFENSES                     | Bestiality                    | Sexual abuse of animal   |
| 18.2-461.1(C) | 7/1/2023 | OBSTRUCTION OF JUSTICE           | False Emergency Communication | False emergency communication, results in serious injury               |
| 18.2-461.1(D) | 7/1/2023 | OBSTRUCTION OF JUSTICE           | False Emergency Communication | False emergency communication, results in a death                      |
| 18.2-473.2(C) | 7/1/2022 | PRISONERS, JAILS AND<br>PRISONS  | Security Camera               | Security camera covered, made inoperable, etc., prevent view of felony |
| 19.2-188.4    | 7/1/2022 | PERJURY                          | Two-way Video Testimony       | Engage in off-camera communications                                    |
| 37.2-912(C)   | 7/1/2023 | MENTAL HEALTH                    | Civil Commitment              | Tamper with GPS by conditionally released sex offender                 |
| 46.2-345.3    | 1/1/2022 | TRAFFIC - IDENTIFICATION<br>CARD | Privilege Card                | False statement, etc., on privilege card application to commit felony  |
| 51.1-303      | 7/1/2023 | PERJURY                          | Judicial                      | Perjury, creditable service by judge                                   |
| 51.1-304      | 7/1/2023 | PERJURY                          | Judicial                      | Perjury, contributions to judicial retirement                          |
| 56-265.24:1   | 7/1/2023 | PUBLIC SERVICE COMPANIES         | Excavate                      | Excavates after notified of threat to safety or property               |

By default, the Earned Sentence Credit for the felonies above is 67%.





ISSUES  
*FROM THE FIELD*

Three



## § 17.1-805

### *Violent Offenses – Category I/II*

Legislation is passed and in some cases the impact of § 17.1-805 is not addressed.

Staff will begin to note on the Fiscal Impact Statements that the legislature may need to consider the impact of § 17.1-805 on newly established felonies.

**The Commission has no position or recommendation on this matter.**



## § 17.1-805

### *Violent Offenses – Category I/II*

§ 17.1-805. Adoption of initial discretionary sentencing guideline midpoints. —

A. The Commission shall adopt an initial set of discretionary felony sentencing guidelines which shall become effective on January 1, 1995. The initial recommended sentencing range for each felony offense shall be determined first, by computing the actual time-served distribution for similarly situated offenders, in terms of their conviction offense and prior criminal history, released from incarceration during the base period of calendar years 1988 through 1992, increased by 13.4 percent, and second, by eliminating from this range the upper and lower quartiles. The midpoint of each initial recommended sentencing range shall be the median time served for the middle two quartiles and subject to the following additional enhancements:

1. The midpoint of the initial recommended sentencing range for first degree murder, second degree murder, rape in violation of § 18.2-61, forcible sodomy, object sexual penetration, and aggravated sexual battery shall be further increased by (i) 125 percent in cases in which the defendant has no previous conviction of a violent felony offense; (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years; or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of 40 years or more, except that the recommended sentence for a defendant convicted of first degree murder who has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more shall be imprisonment for life;

2. The midpoint of the initial recommended sentencing range for voluntary manslaughter, robbery, aggravated malicious wounding, malicious wounding, and any burglary of a dwelling house or statutory burglary of a dwelling house or any burglary committed while armed with a deadly weapon or any statutory burglary committed while armed with a deadly weapon shall be further increased by (i) 100 percent in cases in which the defendant has no previous conviction of a violent felony offense, (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of less than 40 years, or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more;

3. The midpoint of the initial recommended sentencing range for manufacturing, selling, giving, or distributing, or possessing with the intent to manufacture, sell, give, or distribute a Schedule I or II controlled substance, shall be increased by (i) 200 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years or (ii) 400 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more; and

4. The midpoint of the initial recommended sentencing range for felony offenses not specified in subdivision 1, 2, or 3 shall be increased by 100 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years and by 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more.

B. For purposes of this chapter, previous convictions shall include prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense which would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, or the United States or its territories.

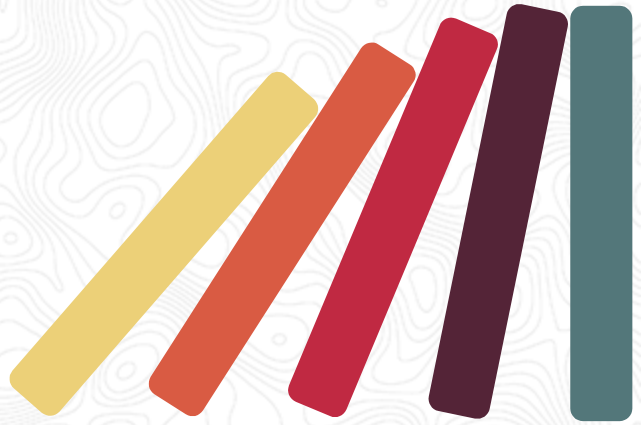
C. For purposes of this chapter, violent felony offenses shall include any felony violation .....



# New Felony Offenses added Since Last Update to § 17.1-805

| STATUTE       | DATE     | HEADING                       | SUBHEADING                               | DESCRIPTION   |
|---------------|----------|-------------------------------|--|---|
| 3.2-6570(F)   | 7/1/2019 | ANIMALS                       | Abandonment or Cruelty                   | Torture/mutilate dog or cat causing death or serious injury           |
| 4.1-1100(C)   | 7/1/2021 | MARIJUANA                     | Possession                               | Possess more than 1 pound of marijuana                                |
| 4.1-1101      | 7/1/2021 | MARIJUANA                     | Cultivation                              | Possess more than 100 marijuana plants                                |
| 4.1-1101      | 7/1/2021 | MARIJUANA                     | Cultivation                              | Possess between 50 to 100 marijuana plants                            |
| 18.2-46.2(ii) | 7/1/2023 | GANGS                         | Participation                            | Participation in criminal act, predicate is act of violence           |
| 18.2-46.6     | 7/1/2023 | TERRORISM                     | Fentanyl                                 | Fentanyl, weapon of terrorism   |
| 18.2-47(C)    | 7/1/2023 | KIDNAPPING                    | Minor                                    | Abduction of minor  |
| 18.2-51.7(A)  | 7/1/2018 | ASSAULT                       | Genital Mutilation                       | Circumcision, etc., of minor's labia majora, etc.                     |
| 18.2-51.7(B)  | 7/1/2018 | ASSAULT                       | Genital Mutilation                       | Parent, etc., consents to minor's labia majora circumcision, etc.     |
| 18.2-51.7(C)  | 7/1/2018 | ASSAULT                       | Genital Mutilation                       | Parent, etc., takes minor from state, labia majora circumcision, etc. |
| 18.2-59.1     | 7/1/2023 | EXTORTION                     | Sexual Extortion                         | Sexual extortion of minor   |
| 18.2-59.1     | 7/1/2023 | EXTORTION                     | Sexual Extortion                         | Sexual extortion  |
| 18.2-60(A,3)  | 7/1/2021 | EXTORTION                     | Threat                                   | Threat by letter, etc., intent to intimidate a population, etc.       |
| 18.2-64.2     | 7/1/2020 | SEXUAL ASSAULT                | Carnal Knowledge/Statutory Rape No Force | Carnal knowledge by employee of bail bond company                     |
| 18.2-146      | 7/1/2022 | VANDALISM, DAMAGE PROPERTY    | Vehicle                                  | Catalytic converter, damage, etc., vehicle, aircraft or boat for      |
| 18.2-146.1    | 7/1/2023 | VANDALISM, DAMAGE PROPERTY    | Vehicle                                  | Catalytic converter, unlawful purchase or sale                        |
| 18.2-308.5:1  | 7/1/2020 | WEAPONS                       | Trigger Activator                        | Possess, sell, etc., trigger activator                                |
| 18.2-356.1(A) | 7/1/2023 | FAMILY OFFENSE                | Minor, Purchasing or Selling             | Offer money, etc., to obtain custody or control of minor              |
| 18.2-356.1(B) | 7/1/2023 | FAMILY OFFENSE                | Minor, Purchasing or Selling             | Receive money for custody or control on minor, offer to sell, etc.    |
| 18.2-361.01   | 7/1/2022 | SEX OFFENSES                  | Bestiality                               | Sexual abuse of animal  |
| 18.2-461      | 3/1/2021 | OBSTRUCTION OF JUSTICE        | False Report/Statement                   | False report to police because of race, religion, orientation, etc.   |
| 18.2-461.1(C) | 7/1/2023 | OBSTRUCTION OF JUSTICE        | False Emergency Communication            | False emergency communication, results in serious injury              |
| 18.2-461.1(D) | 7/1/2023 | OBSTRUCTION OF JUSTICE        | False Emergency Communication            | False emergency communication, results in a death                     |
| 18.2-474.2    | 7/1/2021 | PRISONERS, JAILS AND PRISONS  | Bribery                                  | Pecuniary benefit, providing weapon, drug, etc., to prisoner          |
| 19.2-188.4    | 7/1/2022 | PERJURY                       | Two-way Video Testimony                  | Engage in off-camera communications                                   |
| 19.2-392.14   | 7/1/2021 | CRIMINAL RECORDS              | Sealed Records                           | Disclosure of sealed criminal records maliciously                     |
| 37.2-912(C)   | 7/1/2023 | MENTAL HEALTH                 | Civil Commitment                         | Tamper with GPS by conditionally released sex offender                |
| 46.2-345.2    | 7/1/2019 | TRAFFIC - IDENTIFICATION CARD | Without Photograph                       | Obtain to commit felony offense                                       |
| 46.2-345.3    | 1/1/2022 | TRAFFIC - IDENTIFICATION CARD | Privilege Card                           | False statement, etc., on privilege card application to commit felony |
| 51.1-303      | 7/1/2023 | PERJURY                       | Judicial                                 | Perjury, creditable service by judge                                  |
| 51.1-304      | 7/1/2023 | PERJURY                       | Judicial                                 | Perjury, contributions to judicial retirement                         |
| 54.1-522      | 7/1/2020 | PERJURY                       | Athlete Agents                           | Registration application for athlete agent, perjury                   |
| 56-265.24:1   | 7/1/2023 | PUBLIC SERVICE COMPANIES      | Excavate                                 | Excavates after notified of threat to safety or property              |
| 58.1-4114     | 7/1/2020 | GAMBLING                      | Casino Gaming                            | Supplier's permit, false statement on application                     |
| 58.1-4126     | 7/1/2020 | GAMBLING                      | Casino Gaming                            | Illegal operation of casino   |
| 58.1-4127     | 7/1/2020 | GAMBLING                      | Casino Gaming                            | Credential, license, etc., fraudulent use of                          |
| 58.1-4137     | 7/1/2020 | GAMBLING                      | Casino Gaming                            | Mobile casino gaming, without approval                                |
| 58.1-4138     | 7/1/2020 | GAMBLING                      | Casino Gaming                            | Mobile casino gaming, tamper with equipment, etc.                     |
| 58.1-4139     | 7/1/2020 | GAMBLING                      | Casino Gaming                            | Mobile casino gaming, tamper with odds, rules, etc.                   |

By default, the felonies above are not classified as violent.



ISSUES  
*FROM THE FIELD*

Four



# § 19.2-306.2

## Probation Violation Guidelines

Probation Officers are required, except when there are established docket numbers, to attach draft Probation Violation Guidelines to the Major Violation Report.

Officers are finding the requirement requires duplicate work once docket numbers are established.

Users have suggested a possible solution.

### Sentencing Revocation Report (SRR) - Felony Supervision/Good Behavior/Suspended Sentence Violations

◆ **OFFENDER** \_\_\_\_\_  
First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_ Suffix: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_ SID/CCRE: \_\_\_\_\_ CORIS Offender ID: \_\_\_\_\_

◆ **COURT** \_\_\_\_\_  
Judicial Circuit: \_\_\_\_\_ City/County: \_\_\_\_\_ Docket Number: \_\_\_\_\_ FIPS Code: \_\_\_\_\_  
Sentencing Judge's Name \_\_\_\_\_  
Preparer Name \_\_\_\_\_  Commonwealth's Attorney  Probation Officer  
Most Serious Original Primary Offense: \_\_\_\_\_ Sentencing Date (Original): \_\_\_\_\_

**PRIOR REVOCATIONS FOR ALL UNDERLYING OFFENSES** (For Current Revocation Event)  
Enter Date and DOC Number for Condition(s) Violated:  
Date: \_\_\_/\_\_\_/\_\_\_ Specify Special Conditions: \_\_\_\_\_

◆ **TYPE OF REVOCATION** \_\_\_\_\_  
(Complete SRR and Guidelines):  State Supervised Probation for Felony  
(Complete SRR only, Guidelines do not apply):  Local Probation  Good Behavior /Suspend Sentence  
 CCAP  Procedural  Post Release

Conditions Violated as Cited by Probation and Parole \_\_\_\_\_ Worksheet to Be Completed \_\_\_\_\_  
Technical Violation (2-11):  1st  2nd  3rd or sub  No New Convictions  
Technical Violation (9 or 11):  1st  2nd  3rd or sub  
Special Conditions:  Yes  No  
New Law Violation:  Felony  New Law Felony  
 Misdemeanor  New Law Misdemeanor or Lesser Offense Conviction

(NOTE: Guidelines are not completed for First Offender, Deferred Finding, Post Release or Parole Violations)

◆ **DOC CONDITIONS CITED IN VIOLATION BY PROBATION/PAROLE OFFICER** (check all that apply)  
 1. Fail to obey all Federal, State, and local laws.  9. Use, own, possess, transport or carry firearm  
 2. Fail to report any arrests within 3 days to PO.  10. Change residence or leave Virginia without permission  
 3. Fail to maintain employment or to report changes.  11. Abscond from supervision  
 4. Fail to report as instructed  Fail to follow special conditions of the Court or DOC (specify) \_\_\_\_\_  
 5. Fail to allow probation officer to visit home or job.  
 6. Fail to follow instructions, be truthful, and cooperative.  
 7. Use alcoholic beverages  Sex Offender DOC Conditions Violated:     
 8. Use, possess, distribute controlled substances or paraphernalia  Gang Member DOC Conditions Violated:

◆ **FOR JUDICIAL REVIEW** \_\_\_\_\_  
**TREATMENT, SANCTIONS, EDUCATIONAL PROGRAMS & ALTERNATIVES AVAILABLE** \_\_\_\_\_

DATE ARRESTED FOR THIS VIOLATION OR SHOW CAUSE ISSUED/SERVED: \_\_\_/\_\_\_/\_\_\_  
PRETRIAL CONFINEMENT FOR THIS VIOLATION (There is no indication that the time served will be applied to this case)  
 No  Confined Since Arrest for Violation  
 Both Incarcerated and at Liberty Pretrial Dates Confined \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_ and \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_

PRETRIAL STATUS RELEASE :  
 Bond: \_\_\_ Secured \_\_\_ Unsecured  Own Recognizance  Third Party Release  N/A

◆ **RECOMMENDATION RANGE:**  Time Served \_\_\_\_\_ to \_\_\_\_\_  
Years Months Days to Years Months Days

## VIRGINIA'S JUDICIAL SYSTEM



Home > Case Status and Information

### Case Status and Information

#### Supreme Court of Virginia Case Information

Online access to the case management system for the Supreme Court of Virginia. Cases may be searched using name or case number.

#### Court of Appeals of Virginia Case Information

Online access to the case management system for the Court of Appeals of Virginia. Cases may be searched using name or case number.

#### Online Case Information System-Statewide Search

**New!** Online access to a statewide search of criminal and traffic case information in general district courts and select circuit courts. NOTE: Payments cannot be made using this system.

#### Circuit Court

- **Circuit Court Case Information**  
Online access to civil and criminal cases in select circuit courts. Cases may be searched by locality using name, case number, or hearing date.
  - **Pay Criminal Cases and Traffic Tickets in a Circuit Court**
- **Fees**
  - **Civil Filing Fee Calculation**
  - **Deed Calculation**
- **Secure Remote Access to Land Records**  
Online secure remote access to circuit court land records (as defined in Virginia Code §17.1-292) such as deeds, marriage licenses, judgments, and wills for select courts.  
**Note:** Registration with the local Circuit Court Clerk is required.
- **Virginia Judiciary E-Filing System (VJEFS)**  
This system, for use by members of the Virginia State Bar and their designated staff, allows electronic filing of most civil cases in circuit court.

#### General District Court

- **General District Court Case Information**  
Online access by locality to civil, criminal, and traffic cases in the general district courts. Case may be searched using name, case number, or hearing date. Online payments are made using this system.
  - **Pay Traffic Tickets and Other Offenses in a General District Court**
- **Civil Filing Fee Calculation**  
Calculates the fee to file a civil action in general district court by locality
- **Virginia Date of Birth Confirmation (VDBC)**  
Subscription access to criminal and traffic case information in the general district courts for the purpose of confirming an individual's date of birth.

#### Juvenile and Domestic Relations District Court

Online access to case information for payments in select juvenile and domestic relations district courts. Cases may be searched using name, case number, or hearing date.

- **Pay Criminal and Other Cases in a Juvenile and Domestic Relations District Court**

Search www.vacourts.gov

#### Related Links

- [Supreme Court of Virginia](#)
- [Court of Appeals of Virginia](#)
- [Circuit Court](#)
- [General District Court](#)
- [Juvenile and Domestic Relations District Court](#)

#### Quick Links

- [RSS](#)
- What's New**
- [Pay Traffic Tickets and Other Offenses](#)
- [Payment Policies for Fines and Costs](#)
- [Employment Opportunities](#)
- [Find a Local Court](#)
- [Opinions](#)
- [Rules of the Supreme Court of Virginia](#)
- [Frequently Asked Questions](#)
- [Legal Links](#)
- [Requesting Public Records](#)

Home



- Forms
- Judicial Branch Agencies
- Programs
- Judicial Branch Expenditures





# § 19.2-306.2

## Probation Violation Guidelines

The consensus is that once the Show Cause, PB-15, or Capias is issued, the court establishes a docket number.

The Probation District Staff would add the docket number to the list of cases to be monitored by the OES system.

Once there is a change (e.g., defendant is arrested, or court date is scheduled) an alert would be sent to the Probation District.

The officer would have 24 hours to complete and finalize the Guidelines for the court. **Draft copies of the Guidelines would not be attached to the Major Violation Report.**

The Department of Corrections and OES would need to establish a notification system using the existing protocols and technology. One email would be established for each Probation District.



### Sentencing Revocation Report (SRR) - Felony Supervision/Good Behavior/Suspended Sentence Violations

◆ **OFFENDER** \_\_\_\_\_  
 First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_ Suffix: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_ SID/CCRE: \_\_\_\_\_ CORIS Offender ID: \_\_\_\_\_

◆ **COURT** \_\_\_\_\_  
 Judicial Circuit: \_\_\_\_\_ City/County: \_\_\_\_\_ Docket Number: \_\_\_\_\_ FIPS Code: \_\_\_\_\_  
 Sentencing Judge's Name \_\_\_\_\_  
 Preparer Name \_\_\_\_\_  Commonwealth's Attorney  Probation Officer  
 Most Serious Original Primary Offense: \_\_\_\_\_ Sentencing Date (Original): \_\_\_\_\_

**PRIOR REVOCATIONS FOR ALL UNDERLYING OFFENSES (For Current Revocation Event)**  
 Enter Date and DOC Number for Condition(s) Violated:  
 Date: \_\_\_/\_\_\_/\_\_\_ Specify Special Conditions: \_\_\_\_\_

◆ **TYPE OF REVOCATION** \_\_\_\_\_  
 (Complete SRR and Guidelines):  State Supervised Probation for Felony  
 (Complete SRR only, Guidelines do not apply):  Local Probation  Good Behavior /Suspend Sentence  
 CCAP  Procedural  Post Release  
 Conditions Violated as Cited by Probation and Parole \_\_\_\_\_ Worksheet to Be Completed \_\_\_\_\_  
 Technical Violation (2-11):  1st  2nd  3rd or sub  No New Convictions  
 Technical Violation (9 or 11):  1st  2nd  3rd or sub  
 Special Conditions:  Yes  
 New Law Violation:  Felony  New Law Felony  
 Misdemeanor  New Law Misdemeanor or Lesser Offense Conviction

(NOTE: Guidelines are not completed for First Offender, Deferred Finding, Post Release or Parole Violations)

◆ **DOC CONDITIONS CITED IN VIOLATION BY PROBATION/PAROLE OFFICER (check all that apply)**  
 1. Fail to obey all Federal, State, and local laws.  9. Use, own, possess, transport or carry firearm  
 2. Fail to report any arrests within 3 days to PO.  10. Change residence or leave Virginia without permission  
 3. Fail to maintain employment or to report changes.  11. Abscond from supervision  
 4. Fail to report as instructed  Fail to follow special conditions of the Court or DOC (specify) \_\_\_\_\_  
 5. Fail to allow probation officer to visit home or job.  
 6. Fail to follow instructions, be truthful, and cooperative.  
 7. Use alcoholic beverages  Sex Offender DOC Conditions Violated:     
 8. Use, possess, distribute controlled substances or paraphernalia  Gang Member DOC Conditions Violated:

◆ **FOR JUDICIAL REVIEW** \_\_\_\_\_  
**TREATMENT, SANCTIONS, EDUCATIONAL PROGRAMS & ALTERNATIVES AVAILABLE**

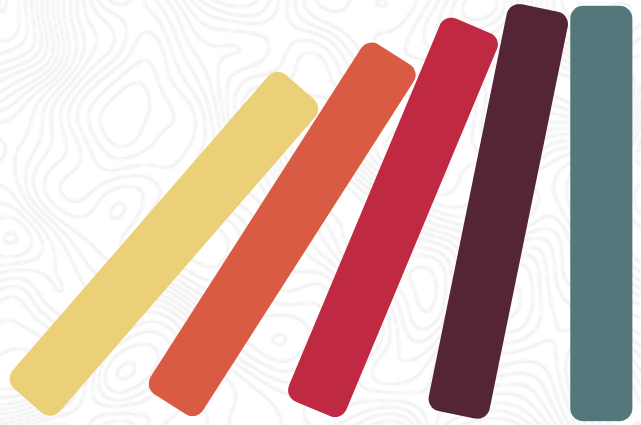
DATE ARRESTED FOR THIS VIOLATION OR SHOW CAUSE ISSUED/SERVED: \_\_\_/\_\_\_/\_\_\_  
 PRETRIAL CONFINEMENT FOR THIS VIOLATION (There is no indication that the time served will be applied to this case)  
 No  Confined Since Arrest for Violation  
 Both Incarcerated and at Liberty Pretrial Dates Confined \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_ and \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_

**PRETRIAL STATUS RELEASE :**  
 Bond: \_\_\_ Secured \_\_\_ Unsecured  Own Recognizance  Third Party Release  N/A

◆ **RECOMMENDATION RANGE:**  Time Served \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days to \_\_\_\_\_ Years \_\_\_\_\_ Months \_\_\_\_\_ Days







ISSUES  
*FROM THE FIELD*

Five

# VIRGINIA COURT OF APPEALS

## Canales v. Commonwealth

Single Course of Conduct – Multiple Hearings

## Thomas v. Commonwealth

Begins to Define Technical and Non-Technical Conduct

## Diaz-Urrutia v. Commonwealth

Conduct Must Specifically Match § 19.2-306.1 - 4-Steps

## Nottingham v. Commonwealth

Count All Technical Violations – No Restart on July 1, 2021

## Delaune v. Commonwealth

Conduct: No Drug Use Violation is Defined as Technical

## Henthorn v. Commonwealth

Fail to Report is Technical & Applies to Misd. Probation

## Heart v. Commonwealth

Evidence Issue – Prove Prior Technical Violations

## Smith v. Commonwealth

Statute in Effect When the Proceedings Began

## Green v. Commonwealth

Violation Procedure Began Before New Law





# § 19.2-306.2

## Probation Violation Guidelines

Based on recent court decisions (e.g., *Diaz-Urrutia v. Commonwealth*), should the Probation Violation Guidelines Cover Sheet be modified to reflect the requirements of § 19.2-306.1 or the State Conditions of Probation?

*(i) report any arrest, including traffic tickets, within three days to the probation officer; (ii) maintain regular employment or notify the probation officer of any changes in employment; (iii) report within three days of release from incarceration; (iv) permit the probation officer to visit his home and place of employment; (v) follow the instructions of the probation officer, be truthful and cooperative, and report as instructed; (vi) refrain from the use of alcoholic beverages to the extent that it disrupts or interferes with his employment or orderly conduct; (vii) refrain from the use, possession, or distribution of controlled substances or related paraphernalia; (viii) refrain from the use, ownership, possession, or transportation of a firearm; (ix) gain permission to change his residence or remain in the Commonwealth or other designated area without permission of the probation officer; or (x) maintain contact with the probation officer whereby his whereabouts are no longer known to the probation officer.*

### Sentencing Revocation Report (SRR) - Felony Supervision/Good Behavior/Suspended Sentence Violations

◆ OFFENDER \_\_\_\_\_  
First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_ Suffix: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_ SID/CCRE: \_\_\_\_\_ CORIS Offender ID: \_\_\_\_\_

◆ COURT \_\_\_\_\_  
Judicial Circuit: \_\_\_\_\_ City/County: \_\_\_\_\_ Docket Number: \_\_\_\_\_ FIPS Code: \_\_\_\_\_  
Sentencing Judge's Name \_\_\_\_\_  
Preparer Name \_\_\_\_\_  Commonwealth's Attorney  Probation Officer  
Most Serious Original Primary Offense: \_\_\_\_\_ Sentencing Date (Original): \_\_\_\_\_

**PRIOR REVOCATIONS FOR ALL UNDERLYING OFFENSES (For Current Revocation Event)**

Enter Date and DOC Number for Condition(s) Violated:  
Date: \_\_\_/\_\_\_/\_\_\_ Specify Special Conditions: \_\_\_\_\_

◆ TYPE OF REVOCATION \_\_\_\_\_  
(Complete SRR and Guidelines):  State Supervised Probation for Felony  
(Complete SRR only, Guidelines do not apply):  Local Probation  Good Behavior /Suspend Sentence  
 CCAP  Procedural  Post Release  
Conditions Violated as Cited by Probation and Parole \_\_\_\_\_ Worksheet to Be Completed \_\_\_\_\_

Technical Violation (2-11):  1st  2nd  3rd or sub  No New Convictions  
Technical Violation (9 or 11):  1st  2nd  3rd or sub  
Special Conditions:  Yes  
New Law Violation:  Felony  New Law Felony  
 Misdemeanor  New Law Misdemeanor or Lesser Offense Conviction

(NOTE: Guidelines are not completed for First Offender, Deferred Finding, Post Release or Parole Violations)

◆ DOC CONDITIONS CITED IN VIOLATION BY PROBATION/PAROLE OFFICER (check all that apply)  
 1. Fail to obey all Federal, State, and local laws.  9. Use, own, possess, transport or carry firearm  
 2. Fail to report any arrests within 3 days to PO.  10. Change residence or leave Virginia without permission  
 3. Fail to maintain employment or to report changes.  11. Abscond from supervision  
 4. Fail to report as instructed  Fail to follow special conditions of the Court or DOC (specify) \_\_\_\_\_  
 5. Fail to allow probation officer to visit home or job.  
 6. Fail to follow instructions, be truthful, and cooperative.  
 7. Use alcoholic beverages  Sex Offender DOC Conditions Violated:     
 8. Use, possess, distribute controlled substances or paraphernalia  Gang Member DOC Conditions Violated:

◆ FOR JUDICIAL REVIEW \_\_\_\_\_  
TREATMENT, SANCTIONS, EDUCATIONAL PROGRAMS & ALTERNATIVES AVAILABLE \_\_\_\_\_

DATE ARRESTED FOR THIS VIOLATION OR SHOW CAUSE ISSUED/SERVED: \_\_\_/\_\_\_/\_\_\_  
PRETRIAL CONFINEMENT FOR THIS VIOLATION (There is no indication that the time served will be applied to this case)  
 No  Confined Since Arrest for Violation  
 Both Incarcerated and at Liberty Pretrial Dates Confined \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_ and \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_  
PRETRIAL STATUS RELEASE :  
 Bond: \_\_\_ Secured \_\_\_ Unsecured  Own Recognizance  Third Party Release  N/A

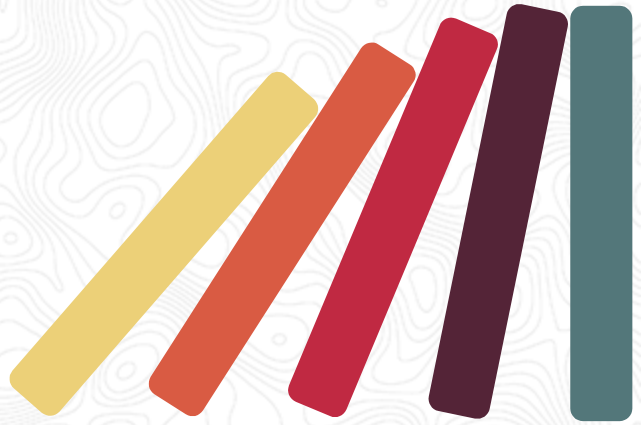
◆ RECOMMENDATION RANGE:  Time Served \_\_\_\_\_ to \_\_\_\_\_  
Years Months Days to Years Months Days

**Comparison of the Department of Corrections (DOC) Conditions of Probation to  
the Conduct Defined by § 19.2-306.1**

| DOC Condition Number | DOC Description*  | Statute # | Description in § 19.2-306.1   | Gang* | Sex Offender* |
|----------------------|---|-----------|---|-------|---------------|
| 1                    | I will obey all Federal, State and local laws and ordinances.   |           |   |       |               |
| 2                    | I will report any arrest, including traffic tickets, within 3 days to the Probation and Parole Officer.   | i         | Failure to report any arrest, including traffic tickets, within three days to the probation officer   |       |               |
| 3                    | I will maintain regular employment and I will notify the Probation and Parole Officer promptly of any changes in my employment.   | ii        | Failure to maintain regular employment or notify the probation officer of any changes in employment;  |       |               |
| 4                    | I will report in person or by telephone to the Probation and Parole office listed below within three working days of my release from incarceration, and as <b>otherwise instructed thereafter.</b>  | iii       | Failure to report within three days of release from incarceration;  |       |               |
| 5                    | I will permit the Probation and Parole Officer to visit my home and place of employment.  | iv        | Failure to permit the probation officer to visit his home and place of employment;  | 7     |               |
| 6                    | I will follow the Probation and Parole Officer's instructions and will be truthful, cooperative, and report as instructed.  | v         | Failure to follow the instructions of the probation officer, be truthful and cooperative, and report as instructed;   |       |               |
| 7                    | I will not use alcoholic beverages to the extent that it disrupts or interferes with my employment or orderly conduct.  | vi        | Failure to refrain from the use of alcoholic beverages to the extent that it disrupts or interferes with his employment or orderly conduct;                   |       | 3             |
| 8                    | I will not unlawfully use, possess or distribute controlled substances or related paraphernalia.  | vii       | Failure to refrain from the use, possession, or distribution of controlled substances or related paraphernalia;   |       | 3             |
| 9                    | I will not use, own, possess, transport or carry a firearm.   | viii      | Failure to refrain from the use, ownership, possession, or transportation of a firearm;   | 6     |               |
| 10                   | I will not change my residence without the permission of the Probation and Parole Officer. I will not leave the State of Virginia or travel outside of a designated area without permission of the Probation and Parole Officer.  | ix        | Failure to gain permission to change his residence or <b>remain in the Commonwealth</b> or other designated area without permission of the probation officer; |       | 1             |
| 11                   | I will not abscond from supervision. I understand I will be considered an absconder when my whereabouts are no longer known to my supervising officer. I freely, voluntarily and intelligently waive any right I may have to extradition if arrested outside of Virginia. | x         | <b>Failure to maintain contact</b> with the probation officer whereby his whereabouts are no longer known to the probation officer.                           |       |               |

**– Special Conditions –  
May Include Conduct  
Defined by § 19.2-306.1**

**Conduct Must Specifically Match § 19.2-306.1**



ISSUES  
*FROM THE FIELD*

Six



# Access to Court Records

Probation Officers and VCSC staff have expressed issues with access to electronic court records being limited to the same sites available to the public.

Three VCSC staff members have completed over 300 notarized applications for OCRA access. The VCSC now has access to OCRA in 79 courts.

The VCSC has authority under the Appropriations Act to request Circuit Court data from the OES.



## Access for External Users To Judicial Branch Information Systems Dept. of Judicial Information Technology Information Security Division

Updated: September 30, 2023

### Overview

The Department of Judicial Information Technology (DJIT), a division of the Office of the Executive Secretary (OES) of the Supreme Court of Virginia (SCV), develops and maintains information systems to advance the mission of the judicial branch of the Commonwealth of Virginia effectively and efficiently.

OES provides access to non-judicial branch personnel, also known as external users, in accordance with established information security policies. Section 5.2 of the Judicial Branch of the Commonwealth of Virginia's Information Security Policy states:

Remote access to automated systems, beyond what is available to the public, is limited to instances where agencies, organizations, or individuals are specifically authorized to receive electronic access to data by the Code of Virginia, the Rules of the Supreme Court, or other policies developed by policy making bodies of the judicial branch. All remote access shall be subject to judicial branch information security policies and shall be governed by a memorandum of understanding, access control agreement, or similar written authorization.

The following information is a summary of information systems available to external users.

### Summary of Systems Providing Public Access and Services

#### Online Case Information System (OCIS 2.0)

Online access to a statewide search of non-confidential criminal and traffic case information in general district courts, circuit courts, as well as adult case information in juvenile and domestic relations district courts using OES' case management systems. Authorized by § 17.1-293.1.

[OCIS2.0 - Statewide Search](#)

#### Legacy Online Case Information Systems

Online access to a search of non-confidential civil, criminal, and traffic case information for adult cases in each general district court and circuit court that utilizes OES' case management systems.

[Circuit OCS](#)

[General District OCIS](#)



# Access to Court Records

## Public Sites Do Not Include SSNs & DOBs

Good day,

As mentioned in previous email communications, we have been working to shutdown the TPX/CAIS application due to security and data access conditions. This shutdown will now occur at 6:30am on November 1, 2023.

The following public websites are available to search Circuit and General District case information.

[OCIS2.0 - Statewide Search](#) - Provides criminal information for Circuit, General District and JDR Adult cases.

[Circuit OCIS](#) and [General District OCIS](#) provide civil case information.

Additional information regarding OTN and Summons Numbers will be added to case detail in the coming weeks.

For debt collection, the Virginia Judiciary Collection System (VJCS) is available. Application for use and other information can be found here [Virginia Judiciary Collections System \(VJCS\) \(vacourts.gov\)](#)

Please see the additional information notice below regarding public access to electronic data.

### Public Access Systems

Provide public access to records within an individual court through public access terminals available in the clerk's office. Systems are available at the district, circuit, and appellate court level.

### Summary of Systems Providing Remote Access and Services

#### Juvenile Secure Viewing System (JSVS)

Allows authorized users to securely access juvenile and domestic relations district court case documents remotely through VPN. Authorized by § 16.1-305.

#### Officer of the Court Remote Access (OCRA)

Application used by officers of the court and other users authorized by the clerk of court to view non-confidential circuit court case documents. Authorized by § 17.1-293.

#### Secure Remote Access (SRA)

Online application used to view land records in circuit courts using OES land records management system. Authorized by §17.1-294.

#### Virginia Judicial Collections System (VJCS)

Online application for court collection agents. Authorized by § 19.2-348 et seq.



## Access for External Users To Judicial Branch Information Systems

Dept. of Judicial Information Technology  
Information Security Division

Updated: September 30, 2023

### Overview

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[OCIS2.0 - Statewide Search](#)

#### Legacy Online Case Information Systems

Online access to a search of non-confidential civil, criminal, and traffic case information for adult cases in each general district court and circuit court that utilizes OES' case management systems.

[Circuit OCIS](#)

[General District OCIS](#)



## *Does the Statute Need to be Modified to Allow Officers of the Court Access?*

### **§ 17.1-293.** Posting and availability of certain information on the Internet; prohibitions. —

A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B, it is unlawful for any court clerk to disclose the social security number or other identification numbers appearing on driver's licenses or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to a court clerk for the purpose of paying fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor child.

C. Each such clerk shall post notice that includes a list of the documents routinely posted on its website. However, the clerk shall not post information on his website that includes private activity for private financial gain.

D. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

E. This section shall not apply to the following:

1. Providing access to any document among the land records via secure remote access pursuant to § 17.1-294;
2. Postings related to legitimate law-enforcement purposes;
3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events;
4. Postings of instruments and records filed or recorded that are more than 100 years old;
5. Providing secure remote access to any person, his counsel, or staff which counsel directly supervises to documents filed in matters to which such person is a party;
6. Providing official certificates and certified records in digital form of any document maintained by the clerk pursuant to § 17.1-258.3:2; and
7. Providing secure remote access to nonconfidential court records, subject to any fees charged by the clerk, to members in good standing with the Virginia State Bar and their authorized agents, pro hac vice attorneys authorized by the court for purposes of the practice of law, and such governmental agencies as authorized by the clerk.

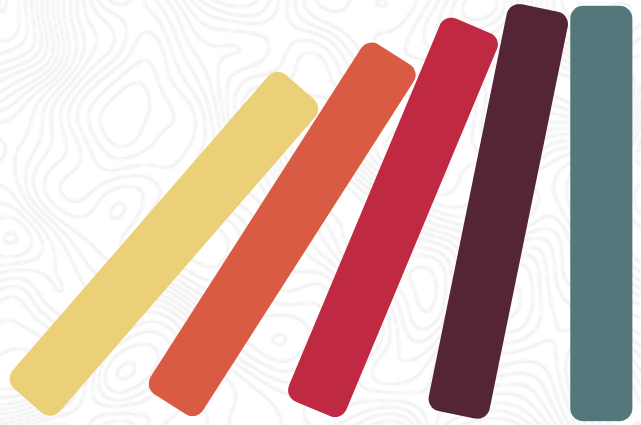
F. Nothing in this section shall prohibit the Supreme Court or any other court clerk from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth, including online access to subscribers of nonconfidential criminal case information to confirm the complete date of birth of a defendant.

G. The court clerk shall be immune from suit arising from any acts or omissions relating to providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2005.

H. Nothing in this section shall be construed to permit any data accessed by secure remote access to be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in his discretion, may deny secure remote access to ensure compliance with these provisions. However, the data accessed by secure remote access may be included in products or services provided to a third party of the subscriber provided that (i) such data is not made available to the general public and (ii) the subscriber maintains administrative, technical, and security safeguards to protect the confidentiality, integrity, and limited availability of the data.





ISSUES  
*FROM THE FIELD*