

Alternatives for Non-Violent Offenders Task Force

October 27, 2011

1:00 PM

House Room C

Alternatives for Non-Violent Offenders Task Force – Meeting Agenda

- **Welcome and Introductions**
 - **The Honorable Marla Graff Decker**, Secretary of Public Safety, Office of Governor Robert McDonnell, *Task Force Chair*
 - **Thomas MacLellan**, Homeland Security and Public Safety Division Director, National Governors Association Center for Best Practices
- **Subcommittee Presentation on Sanctions With Unified Rapid Enforcement (SURE)**
 - **The Honorable Mike Herring**, City of Richmond Commonwealth's Attorney
 - **Rick Kern**, Virginia Criminal Sentencing Commission Executive Director
- **Public Comment**
- **Closing Remarks/Next Steps**

Alternatives for Non-Violent Offenders Task Force

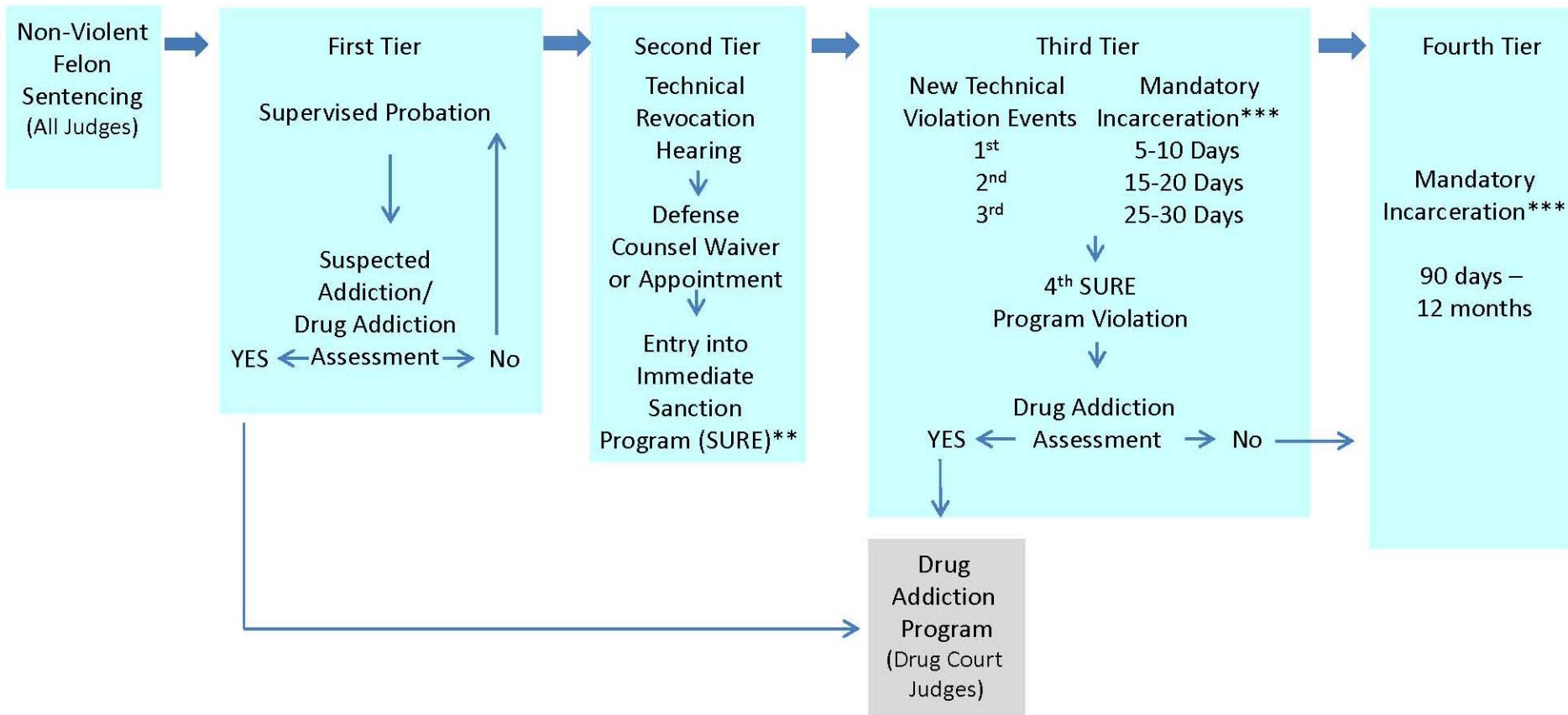
- The Secretary of Public Safety charged the Task Force to consider promising practices related to adult drug courts, and probation models that can be piloted in the Commonwealth.
- The Task Force to develop recommendations and strategies to strengthen Virginia's Drug Courts.
- To maximize these efforts, a Drug Court Subcommittee was formed to study this topic in further detail and report its recommendations to the larger Task Force.

Drug Courts Subcommittee

- **Chair:** Mike Herring
- **Co-Chair:** Rick Kern
- Judge Catherine Hammond
- Judge Jerrauld Jones
- Sheriff Robert McCabe
- Delegate Ben Cline
- Advisor Banci Tewolde
- Dick Hall-Sizemore
- Anna Powers
- Meredith Farrar-Owens
- Victoria Cochran
- Jody Holland
- Andrew Molloy

Sanctioning Continuum for Non-Violent Felons (§ 17.1-805) Not Sentenced to Traditional Incarceration

Sanctions with Unified Rapid Enforcement* (SURE)



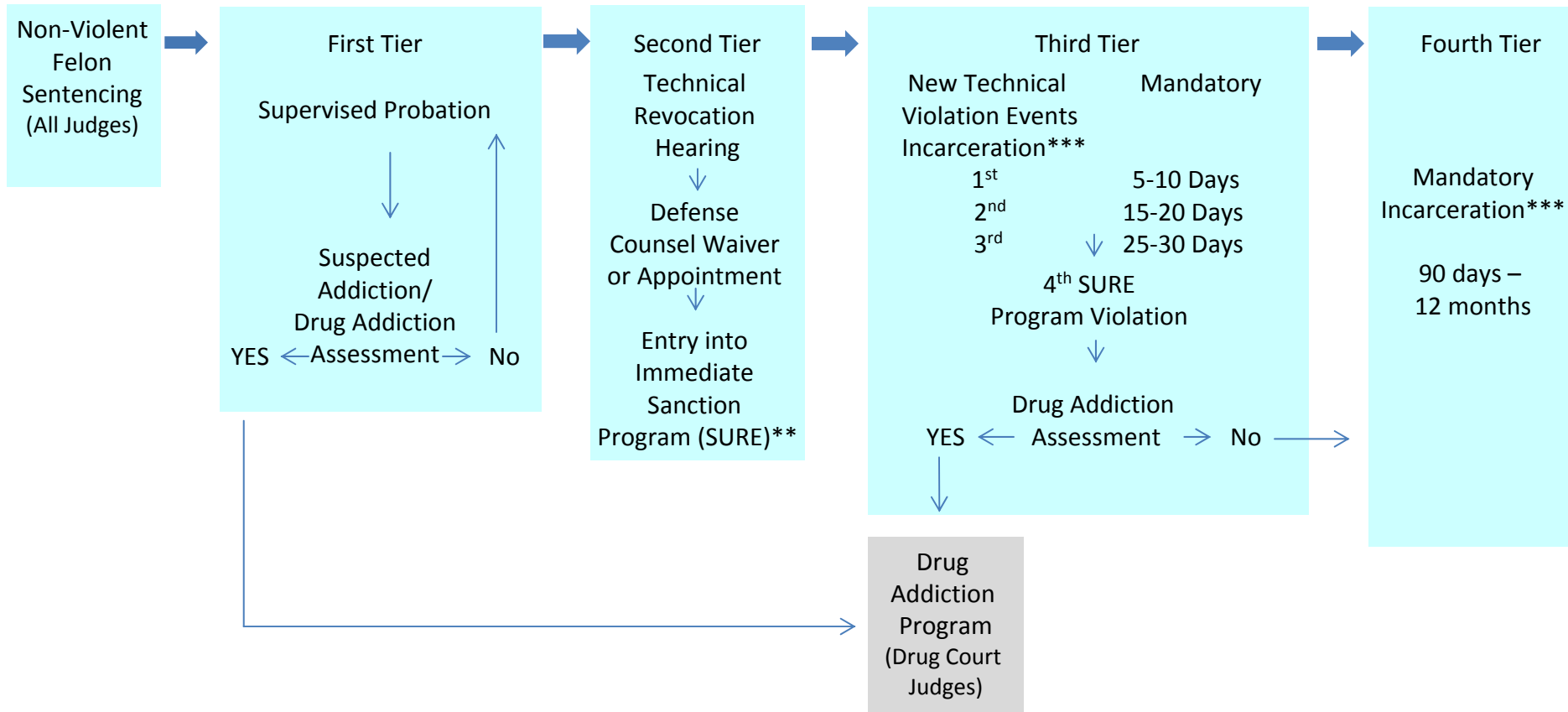
* Excludes those offenders charged with a new felony or jailable misdemeanor.

** Commonwealth's Attorney retains rights to move the court to remove an offender from SURE for good cause.

*** Excludes jail credit for time served; mandatory incarceration time cannot be suspended.

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** Commonwealth's Attorney or defense counsel retain rights to move the court to remove an offender from SURE for good cause.

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

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, the United States or its territories.

C. For purposes of this chapter, violent felony offenses shall include solicitation to commit murder under § 18.2-29; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-33, or 18.2-35; any violation of subsection B of § 18.2-36.1; any violation of § 18.2-40, 18.2-41, 18.2-46.5, 18.2-46.6, or 18.2-46.7; any Class 5 felony violation of § 18.2-47; any felony violation of § 18.2-48, 18.2-48.1 or 18.2-49; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2 or 18.2-55; any felony violation of § 18.2-57.2; any violation of § 18.2-58 or 18.2-58.1; any felony violation of § 18.2-60.1 or 18.2-60.3; any violation of § 18.2-61, 18.2-64.1, 18.2-67.1, 18.2-67.2, former § 18.2-67.2:1, 18.2-67.3, 18.2-67.5, or 18.2-67.5:1 involving a third conviction of either sexual battery in violation of § 18.2-67.4 or attempted sexual battery in violation of subsection C of § 18.2-67.5; any Class 4 felony violation of § 18.2-63; any violation of subsection A of § 18.2-77; any Class 3 felony violation of § 18.2-79; any Class 3 felony violation of § 18.2-80; any violation of § 18.2-89, 18.2-90, 18.2-91, 18.2-92 or 18.2-93; any felony violation of § 18.2-152.7; any Class 4 felony violation of § 18.2-153; any Class 4 felony violation of § 18.2-154; any Class 4 felony violation of § 18.2-155; any felony violation of § 18.2-162; any violation of § 18.2-279 involving an occupied dwelling; any violation of subsection B of § 18.2-280; any violation of § 18.2-281, 18.2-286.1, 18.2-289 or 18.2-290; any felony violation of subsection A of § 18.2-282; any violation of subsection A of § 18.2-300; any felony violation of subsection C of § 18.2-308.1 or 18.2-308.2; any violation of § 18.2-308.2:1, or subsection M or N of § 18.2-308.2:2; any violation of § 18.2-308.3 or 18.2-312; any violation of subdivision (2) or (3) of § 18.2-355; any violation of former § 18.2-358; any violation of subsection B of § 18.2-361; any violation of subsection B of § 18.2-366; any violation of § 18.2-368, 18.2-370 or 18.2-370.1; any violation of subsection A of § 18.2-371.1; any felony violation of § 18.2-369 resulting in serious bodily injury or disease; any violation of § 18.2-374.1; any felony violation of § 18.2-374.1:1; any violation of § 18.2-374.3; any second or subsequent offense under §§ 18.2-379 and 18.2-381; any felony violation of § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414 or 18.2-433.2; any felony violation of § 18.2-460, 18.2-474.1 or 18.2-477.1; any violation of § 18.2-477, 18.2-478, 18.2-480 or 18.2-485; any violation of § 53.1-203; or any conspiracy or attempt to commit any offense specified in this subsection, and any substantially similar offense under the laws of any state, the District of Columbia, the United States or its territories.

(1994, 2nd Sp. Sess., cc. 1, 2, § 17-237; 1995, c. 482; 1998, cc. 277, 872; 1999, c. 349; 2004, cc. 459, 866; 2005, c. 631; 2011, c. 282.)

Drug Courts Subcommittee Recommendations

- **Sanctions with Unified Rapid Enforcement (SURE) Model, Sanctioning Continuum for Non-Violent Felons (§17.1-805), for offenders not sentenced to traditional Incarceration.**
- **The SURE Model be administered by the Virginia Criminal Sentencing Commission.**
- **The Virginia Criminal Sentencing Commission identify 3-5 localities that have an established Drug Courts/ or drug services programs and a Public Defender's Office to pilot the SURE model.**

Drug Courts Subcommittee Recommendations, cont.

- **The Virginia Criminal Sentencing Commission identify a validated Drug Assessment Instrument to be used consistently in the 3-5 localities piloting the SURE model.**
- **The Virginia Criminal Sentencing Commission evaluate, determine outcome measures, and recidivism result within 18 months of implementing the SURE model.**
- **The Department of Corrections, working closely with the Virginia Sentencing Commission, identify best practices within each of the Probation and Parole Office district selected to implement the SURE model.**