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SENATE BILL NO. 1687

Offered January 14, 2019

A BILL to amend the Code of Virginia by adding a section numbered 19.2-119.1 and by adding in Article 1 of Chapter 9 of Title 19.2 a section numbered 19.2-134.1, relating to bail; data collection and reporting standards; report.

Patron—McClellan

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-119.1 and by adding in Article 1 of Chapter 9 of Title 19.2 a section numbered 19.2-134.1 as follows:

§ 19.2-119.1. Purpose.

It is the purpose of this article to ensure that judicial officers considering bail make decisions that not only protect the public and guard against the risk of intentional failure to appear but also protect against unnecessary and costly detention. This article shall be interpreted and construed so as to give effect to a general presumption in favor of pretrial release.

§ 19.2-134.1. Department of Criminal Justice Services to collect bail determination data; data reporting standards; report.

A. The Department of Criminal Justice Services (the Department) shall create uniform reporting mechanisms for appropriate criminal justice agencies, as defined in § 9.1-101, in every locality to collect data relating to bail determinations made by judicial officers conducting hearings pursuant to § 19.2-80, 19.2-120, or 19.2-124, in order to facilitate the purpose of this article as set out in § 19.2-119.1. Collected data shall be disaggregated by locality and by individual. In order to maintain anonymity of the individual, localities shall use a unique identifier to identify each individual. The minimum required data collected by the Department shall include:

1. The hearing date of any hearing conducted pursuant to § 19.2-80, 19.2-120, or 19.2-124 and the date any individual is admitted to bail;

2. Information about the individual, including the individual's year of birth, race, ethnicity, gender, primary language, and residential zip code;

3. The determination of the individual's indigency pursuant to § 19.2-159;

4. Information related to the individual's charges, including the number of charges and the most serious offense the individual is charged with and the code section for such offense, the general description of such offense, whether such offense is a felony, misdemeanor, civil infraction, or other type of offense, and the specific classification of any felony or misdemeanor offense;

5. If the individual is admitted to bail, information related to the conditions of bail and the bond, including (i) whether the bond was secured or unsecured; (ii) all monetary amounts set on the bond, including amounts set on both secured and unsecured bonds; (iii) any initial nonmonetary conditions of release imposed; (iv) any subsequent modifications; (v) the total amount of money paid on the bond; and (vi) whether the individual utilized the services of a bail bondsman;

6. If the individual is not admitted to bail, the reason for the denial;

7. Any outstanding arrest warrants or other bars to release from any other jurisdiction, including a detention hold from U.S. Immigration and Customs Enforcement or other detention hold from another jurisdiction;

8. Any revocation of bail due to a violation of such individual's conditions of release, failure to appear for a court hearing, or the commission of a new offense by such individual;

9. The date the individual is sentenced to an active term of incarceration and the date such individual begins serving such active term;

10. All dates the individual is released or discharged from custody, including release upon satisfaction of the terms of any recognizance, release upon the disposition of any charges, or release upon completion of any active sentence;

11. The reason for any release or discharge from custody, including whether the individual posted a bond, was released on a recognizance, or was released under terms of supervision, or whether there was a disposition of the charges that resulted in release of the individual. If the reason for release is due to a court order or a disposition of the charges resulting in release, the data collected shall include the specific reason for release, including the nature of the court order or, if there was a conviction, the particular sentence imposed. The data shall also include a list of definitions of any terms used by the locality to indicate reasons for release or discharge; and

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59 12. *The average cost for housing the individual in the local correctional facility, as defined in*
60 *§ 53.1-1, for one night.*
61 *B. The Department shall submit an annual report on the data collected pursuant to this section to*
62 *the Governor and the General Assembly on or before December 31 as provided in the procedures of the*
63 *Division of Legislative Automated Services for the processing of legislative documents and reports and*
64 *the annual report shall be posted on the General Assembly's website. The Department shall publish the*
65 *annual report on the Department's website no later than 10 days following its submission to the*
66 *Governor and the General Assembly.*