



VIRGINIA STATE CRIME COMMISSION

2020 INTERIM EXECUTIVE SUMMARY OF ACTIVITIES

The Virginia State Crime Commission was established within the legislative branch of government in 1966. The Crime Commission is a criminal justice agency as defined by Virginia Code § 9.1-101, and is authorized to study, report, and make recommendations on all areas of public safety and protection (Virginia Code § 30-156 *et seq.*). The Crime Commission consists of thirteen members – six members of the House of Delegates, three members of the Senate, three non-legislative citizen members appointed by the Governor, and the Attorney General or his designee.

During 2020, Crime Commission staff continued its work on the Virginia Pre-Trial Data Project. Additionally, staff engaged in several new studies, including automatic and petition-based expungement of criminal history records, earned sentence credits, vacatur of convictions for victims of sex trafficking, mandatory minimum sentences, and parole.

The Crime Commission held a meeting on August 31, 2020, to hear staff presentations on automatic expungement of criminal history records and earned sentence credits. At the meeting, members endorsed legislation to create a system that automatically expunges numerous felony and misdemeanor convictions, as well as criminal charges that did not result in a conviction, from criminal history records. Members also endorsed legislation to increase and retroactively apply the maximum amount of sentence credits that an inmate can earn to reduce their overall term of incarceration. Legislation on both automatic expungement and earned sentence credits was introduced during the 2020 Special Session of the General Assembly. The legislation on earned sentence credits was enacted into law, while the legislation on automatic expungement was left in a conference committee between the House of Delegates and the Senate.

The Crime Commission also held a meeting on January 5, 2021, to hear staff presentations on mandatory minimum sentences, the Virginia Pre-Trial Data Project, and vacatur of convictions for victims of sex trafficking. At this meeting, members endorsed legislation for introduction during the 2021 Regular Session of the General Assembly which:

- Repeals all mandatory minimum sentences in the Code of Virginia;
- Allows for possible re-sentencing of anyone who remains incarcerated for a felony mandatory minimum offense, except for Class 1 and mandatory minimum life felonies;
- Requires the Virginia Criminal Sentencing Commission to annually collect and report on pre-trial data and make such data publicly available so that it can be downloaded or viewed on an interactive data dashboard tool that displays aggregated data based on characteristics or indicators selected by the user;
- Mandates that the Crime Commission provide the October 2017 dataset from the Virginia Pre-Trial Data Project to the Virginia Criminal Sentencing Commission who will then make the dataset publicly available by October 1, 2021;
- Creates a petition-based process for victims of sex trafficking who were convicted or adjudicated delinquent of prostitution, solicitation of prostitution, or maintaining a bawdy place to have their convictions or adjudications vacated by a circuit court; and,
- Divides Virginia's prostitution statute (Va. Code § 18.2-346) into two separate Code sections to better distinguish between prostitution and solicitation of prostitution offenses.

The Crime Commission will publish its 2020 Annual Report by June 30, 2021. Additional information about the Commission is available on the agency website at vscc.virginia.gov