

# JUSTICE REFORM 2020 LEGISLATIVE PRIORITIES

Justice Forward Virginia: End the Trial Penalty and Other Initiatives



For the 2020 session, Justice Forward Virginia has helped draft a number of key bills aimed at addressing the “Trial Penalty,” a major driving force of mass incarceration. Below is a list of the proposed legislation, bill numbers in previous sessions (if applicable), and a brief description.

Full text of each bill is available at [JusticeForwardVA.com/bills](http://JusticeForwardVA.com/bills)

## ***Legislation Drafted by Justice Forward Virginia***

### **JFV1: Eliminate Mandatory Minimums**

- JFV proposes eliminating dozens of minimums from the Va. Code, and redefining “mandatory minimums” to restore discretion to judges.

### **JFV2: Tell Jurors the Truth About Sentencing (2019: HB 2627)**

- Virginia is one of only 6 states where juries not only determine guilt/innocence, but also the sentence, and is the only one that does not give jurors the right to know what sentence they’ll have to impose if they convict. This bill permits the judge, prosecution or defense to inform the jury during jury selection about the range of punishment for the charges the defendant faces.

### **JFV3: Create “Degrees” of Robbery**

- Justice Forward proposes to establish degrees of robbery, eliminating the 5-year “jury minimum” and making the maximum penalty depend on the seriousness of the offense.

### **JFV4: Reform Virginia’s Arcane Criminal Discovery Rules (2017: SB 1563)**

- Virginia has “closed discovery” rules, where a defendant has no right to witness statements, witness lists, or even the police reports from their own criminal case. The GA should implement much-needed reforms & end “trial by ambush” once and for all.

### **JFV5: Stop Rewarding Prosecutors for Overcharging**

- In Virginia, state funding for individual Commonwealth’s Attorneys is determined in large part by the frequency of felony charges and convictions. This creates a financial incentive for prosecutors to overcharge cases. The legislature should instead have the funding formula for Commonwealth’s Attorney’s Offices be tied to more objective measures of public safety.

### **JFV6: Let Indigent Defendants Request Expert Funding Without Disclosing Strategy**

- This bill still requires the defendant to state his particularized need but allows them to do so before the judge only—without informing his opponent of his trial strategy. This puts poor people on the same footing as richer defendants and the Commonwealth.

### **TBD: Move Toward Eliminating Cash Bail (2019: HB 2121 / SB 1687)**

- Between 1978 and 2013, Virginia’s pretrial detention population tripled. Today, more than 28,000 people are held pretrial in Virginia jails each night, 46% of whom haven’t been convicted of any crime. JFVA remains a key member of the Virginia Bail Reform Coalition, which is currently determining whether to again propose data collection or pursue substantive fixes to Virginia’s current system of cash bail.

***Full bill text and other legislation supported by Justice Forward Virginia available at [JusticeForwardVA.com/bills](http://JusticeForwardVA.com/bills)***