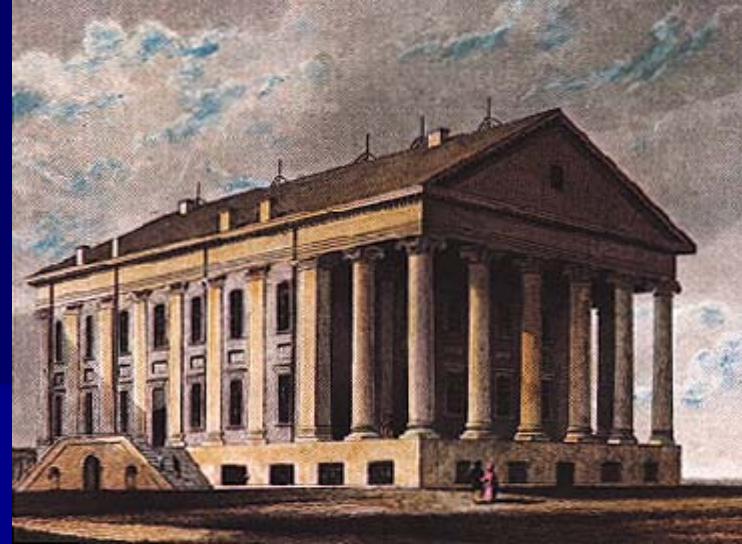


Virginia State Crime Commission



**Crime Commission Projects: Review of
2007 General Assembly**

May 22, 2007

Overview



- **Capital Murder**
 - Killing of a judge
 - Killing of a witness
 - Elimination of Triggerman Rule
- **Sex Offenders in Nursing Homes**
- **Sex Offenders on School Property**
- **Human Trafficking/Extortion**
- **Conservators of the Peace**

Capital Murder



- The Crime Commission made three recommendations with regard to capital murder in Virginia:
 - Make the killing of a judge, for purposes of interfering with his official duties, a capital offense.
 - Make the killing of a witness, for purposes of interfering with his official duties, a capital offense.
 - Eliminate the triggerman rule in Virginia:
 - A principal in the 2nd degree could receive the death penalty if he had the same intent to kill as the actual murderer; and,
 - An accessory before the fact could receive the death penalty if he ordered or directed the killing.

Capital Murder (cont.)



- All three recommendations were passed by the General Assembly.
- All three recommendations were vetoed by the Governor.
- The General Assembly overrode the Governor's vetoes on the bills that made the killing of a judge or witness a capital crime. These offenses will go into effect on July 1, 2007.
- The General Assembly did not override the Governor's vetoes on the bills that eliminated the triggerman rule in Virginia.
 - The triggerman rule will remain in effect in Virginia.

Sex Offenders in Nursing Homes



- The Crime Commission made a number of recommendations to improve the safety of nursing home and assisted living facility residents:
 - All such facilities must sign up with the State Police to receive sex offender registry updates.
 - If a potential resident is about to check into a facility for a stay, or expected stay, of more than 3 days, the facility must check the State Police's website to see if the applicant is a registered sex offender.
 - When a person checks into a facility, they must be informed of how they can receive information from the State Police website concerning registered sex offenders living in the area.

Sex Offenders in Nursing Homes (cont.)



- All of the Crime Commission's recommendations were enacted into law.
- The General Assembly also added a requirement that in addition to providing nursing home/assisted living facility residents with information about the State Police's website, they also help residents access the website and print out information.

Sex Offenders on School Property



- The Crime Commission recommended that any person convicted of a violent sexual offense be prohibited from coming onto school or child day care center property during school hours.
- A violation would be a Class 6 felony.
- Exceptions would apply to students currently attending the school, adults coming onto the property to vote, and persons who receive permission from a court to come onto the property.

Sex Offenders on School Property (cont.)



- The General Assembly passed the Crime Commission's proposed legislation.
- A requirement was added that when a person petitions a court for permission to come on school property, they provide notice to the local Commonwealth's Attorney and the school superintendent to give them an opportunity to respond.

Human Trafficking/ Extortion



- The Crime Commission reviewed all of the Human Trafficking bills introduced in the 2006 General Assembly.
- All of the new statutory crimes contained in the bills were already existing crimes under Virginia law, with one exception—forcing somebody to work by withholding their passport or other immigration documents.
- The Crime Commission recommended this behavior be criminalized under Virginia's extortion statute.
- The General Assembly passed this recommendation.

Special Conservators of the Peace



- The Crime Commission reviewed the previous recommendations and reforms that were made to the special conservators of the peace statute in 2003.
- One of the reforms, which was subsequently enacted into law, was that a court order authorizing a person to be a special conservator would only be valid in that court's judicial circuit.

Special Conservators of the Peace (cont.)



- This limitation, which was intended to prohibit courts from issuing “state-wide” special conservator orders, was starting to be undone.
- The Crime Commission recommended that the original prohibition be restored—a judge could only grant special conservator powers within his jurisdiction.
 - If a corporation needed to have a special conservator perform his duties in multiple locations, a separate application would have to be submitted for each location.

Special Conservators of the Peace (cont.)



- The General Assembly passed this recommendation, with a slight modification.
- If a business or corporation needs a special conservator to exercise his law enforcement powers in multiple locations, the judge may extend the grant of authority to other specific areas of real property owned or leased by the business or its subsidiaries.
- The special conservator must inform both DCJS and regular law enforcement in these additional areas as to the precise addresses where he may act as a special conservator.