



COMMONWEALTH of VIRGINIA

Office of the Governor

Robert F. McDonnell
Governor

May 29, 2013

The Honorable Janet V. Kelly
Secretary of the Commonwealth
1111 East Broad Street
Richmond, VA 23219

Dear Secretary Kelly:

Before being sworn in as Governor, I pledged that my administration would create the fastest and fairest restoration of rights process in Virginia. As a father and a former prosecutor, I believe that the commission of a crime must have a tough and just consequence. Strong sentences protect society by deterring the commission of crime, punishing those who violate the law, keeping the public safe through incarceration of criminals, and rehabilitating offenders to set them on a better path. During my term, we have enacted much stronger laws and penalties for violent criminals.

I also believe that once an offender has fully paid his debt to society, he deserves a second chance, because we are a state and nation of people who believe in redemption and restoration. I have worked throughout my term to enact reforms to reflect this belief.

As Governor, one of my public safety priorities has been prisoner and juvenile offender re-entry. In 2010, I created the Prisoner and Juvenile Offender Re-entry Council and asked the Departments of Corrections and Juvenile Justice to work with other state agencies and engage in coordinated re-entry planning. Focusing on evidence-based practices and effective programming, Virginia has made tremendous progress in preparing offenders to return to their communities become productive members after serving their time.

I am pleased with the strides we have made with the restoration of rights process over the past three years with great leadership from your office. We have created the fastest and fairest process in the history of the Commonwealth. We have restored more rights to felons than any Administration in the history of Virginia. We are approving completed applications within the self-imposed 60 day deadline and the non-violent felon grant rate is averaging 90%. Now I believe it is time to do more and make the process faster, fairer, more efficient, and less subjective.

The Honorable Janet V. Kelly

May 29, 2013

Page 2

I believe that a person who is a non-violent felon, and has served his time as well as probation or parole, and fully satisfied all court costs, fines, restitution, and other court-ordered conditions, should be able to regain his civil rights and resume his life as a fully engaged member of society. These essential constitutional rights of the people should only be denied during periods of punishment for the offender. As a nation that honors government by the consent of the governed, one must be able to vote to give one's consent to the laws of the land. It is a mark of good government to restore felons' rights and provide them the opportunity to succeed and become law-abiding citizens again. Having more law-abiding, productive citizens results in lower prison and jail-related costs, but more importantly, if those who have committed crimes and paid their debt are on the right path, there will be fewer future victims.

Therefore, I am amending the criteria used to adjudicate non-violent felons applications for restoration of rights. With these changes, Virginia will have an automatic restoration of rights process for non-violent felons who meet these specific criteria for the remainder of this Administration. Effective immediately, felons who meet the following criteria will be immediately eligible for restoration of their rights:

- Have been convicted of a non-violent felony in a Virginia court, or been convicted in a U.S. District Court, military court or a court of another state or territory;
- Have completed serving the prison sentence and been released from probation or parole; and
- Have paid all court costs, fines to the Commonwealth and restitution to the victims, satisfied all court-ordered conditions, and have no pending felony charges.

Consistent with existing law, restoration of civil rights will not include restoration of the right to purchase, possess or transport a firearm. Individuals may continue to petition the appropriate circuit court for restoration of this right after the Governor has restored their civil rights. Those categorized under the Virginia Code as violent felons will be required to follow the application process currently in place for restoration of civil rights.

Please implement these criteria immediately for current applications and future non-violent felony considerations received and processed by your office.

Sincerely,



Robert F. McDonnell