

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 648

An Act to amend the Code of Virginia by adding sections numbered 66-25.1:1 through 66-25.1:4, relating to the Department of Juvenile Justice; juvenile work release program established; penalties.

[H 2657]

Approved March 23, 2005

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 66-25.1:1 through 66-25.1:4 as follows:

§ 66-25.1:1. Juvenile academic and career training.

The Director or his designee shall assess, in accordance with criteria established pursuant to § 66-25.1:3, whether a juvenile committed to the Department is an appropriate candidate for participation in a work release program, apprenticeship program, job enterprise program, or any other work experience opportunity located at or through the juvenile correctional center where the juvenile is placed.

§ 66-25.1:2. Career training and technical education programs.

A. With such funds as are made available for this purpose, the Department shall provide juveniles committed to the Department with opportunities to work and to participate in career training or technical education programs operated by the Department or by the Department of Correctional Education in accordance with § 22.1-339 et seq.

B. The Department may develop appropriate interagency linkages with state and local agencies, public and private institutions of education and of higher education, labor and industry councils, the business community, rehabilitative services providers, and employment and guidance services to assist juveniles in acquiring necessary work habits, developing marketable skills, and identifying career goals through a broad range of career opportunities and mentoring and apprenticeship programs. In providing career-related programs, training, and services, the Department, in conjunction with the Department of Correctional Education, may consult and cooperate with the Virginia Employment Commission and the Department of Labor and Industry. Work training opportunities may include business, industrial, agricultural, highway maintenance and construction, and work release programs as hereafter specified in this article. In addition, juveniles may be employed to improve, repair, work on, or cultivate public property or buildings.

§ 66-25.1:3. Extending limits of confinement of state wards for work and educational programs; disposition of wages; penalties for violations.

A. The Director is authorized to establish work release programs, subject to such rules and regulations as the Board may prescribe, whereby (i) a juvenile who is proficient in any trade or occupation and who meets the work release criteria established by the Director, may be approved for employment by private individuals, corporations, or state agencies at places of business, or (ii) a juvenile who the Director is satisfied meets the work release criteria and is capable of receiving substantial benefit from educational and other related community activity programs that are not available within a juvenile correctional center may attend such programs outside of the juvenile correctional facility.

B. The Director may contract with the superintendent of a local detention facility or home for the temporary placement of a committed juvenile who is deemed appropriate for participation in the programs or services provided by or through a certified post-dispositional program in that local detention facility or home. A juvenile who the Director is satisfied meets the work release criteria and is capable of receiving substantial benefit from educational programs, employment or other related community activity programs available at or through the local detention facility or home is eligible for placement in such local detention facility or home.

C. The compensation for such employment shall be arranged by the Director and shall be the same as that of regular employees in similar occupations. Any wages earned shall be paid to the Director. The Director shall, in accordance with regulations promulgated by the Board, deduct from such wages, in the following order of priority, an amount to:

1. Meet the obligation of any judicial or administrative order to provide support, and such funds shall be disbursed according to the terms of such order;

2. Pay any fines, restitution, or costs as ordered by the court; and

3. Pay travel and other such expenses made necessary by his work release employment or participation in an educational or rehabilitative program.

The balance shall be credited to the juvenile's account or sent to his family in an amount the juvenile chooses.

D. Any juvenile who has been placed in any of the programs authorized herein shall, while outside the juvenile correctional center or juvenile detention facility to which he is assigned, be deemed to be in custody whether or not he is under the supervision of a juvenile correctional officer. If the juvenile, without proper authority or without just cause, leaves the area in which he has been directed to work or to attend educational or community activity programs, or the vehicle or route involved in his traveling to or from such place or program, he may be found guilty of escape as provided for in § 18.2-477 as though he had left the secure facility as defined in § 16.1-228; or, if there are mitigating circumstances or the culpability of the juvenile is minimal, he may be found guilty of a Class 2 misdemeanor.

E. The Director and any superintendent or other administrative head of any local detention facility are authorized to enter into agreements whereby persons committed to the Department, whether such persons are housed in a juvenile correctional center or a local detention facility, and who meet the Department's standards for such release, may participate in local work release programs or in educational or other rehabilitative programs operating pursuant to this section. Any person so placed shall be governed by the rules and regulations applicable to local work release programs.

F. In the event that the juvenile is committed to the Department as a serious offender pursuant to § 16.1-285.1, the juvenile shall not be approved for placement in a work release program located outside of the juvenile correctional facility without written approval of the committing court.

§ 66-25.1:4. Work release furlough.

The Director may, subject to rules and regulations prescribed by the Board, extend the limits of confinement of any offender participating in a work release program that is subject to the Director's authority to permit the offender a furlough for the purpose of visiting his home or family. Such furlough shall be for a period to be prescribed by the Director, not to exceed three days.

In the event that the juvenile is committed to the Department as a serious offender pursuant to § 16.1-285.1, the juvenile shall not be approved for a furlough for the purpose of visiting his home or family without written approval of the committing court.

Any offender who, without proper authority or without just cause, fails to remain within the limits of confinement set by the Director hereunder, or fails to return within the time prescribed to the place designated by the Director in granting such authority, is guilty of a Class 1 misdemeanor, and shall be ineligible for further participation in a work release program during his current term of confinement. In the event such offender leaves the Commonwealth, the offender may be found guilty of an escape as provided in § 18.2-477.

2. That the Board of Juvenile Justice is authorized to operate a pilot program in conformity with this act beginning July 1, 2005, and ending July 1, 2006, at one juvenile correctional center site.

3. That the Department of Juvenile Justice shall submit a report on the implementation of the pilot program and this act to the House Committee on Militia, Police and Public Safety, and the Senate Committee on Rehabilitation and Social Services by November 15, 2005. The report shall provide an assessment on the implementation of the pilot program permitting a work and educational release program involving the temporary release of juveniles into the community in preparation for their transition from the Department of Juvenile Justice's direct care to their home community.

4. That the Board of Juvenile Justice shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment. The regulations shall establish criteria for assessing a juvenile's suitability for such programs as authorized by this act. Such criteria shall include a review of the juvenile's offense history and behavior during commitment; the completion of an objective risk assessment of the juvenile's likelihood to re-offend; and an assessment of the juvenile's suitability for the particular community release program.

5. That the second, third, and fourth enactments are effective on July 1, 2005, and the first enactment is effective July 1, 2006.