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HOUSE JOINT RESOLUTION NO. 136
AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 24, 2006)

(Patron Prior to Substitute—Delegate Moran)

Directing the Virginia State Crime Commission to study Virginia's juvenile justice system. Report.

WHEREAS, in 1997 the national detention rate was 96 juveniles per 100,000, while the rate for Virginia detention was 169 juveniles per 100,000; and

WHEREAS, in 2002, law-enforcement agencies made approximately 2.3 million arrests nationally of persons under the age of 18; and

WHEREAS, key findings of a recent American Bar Association study in Virginia that assessed the access to counsel and quality of representation in delinquency proceedings included concerns over waiver of counsel without a full understanding of the consequences, detention of juveniles without representation, unequal defense services, and an overall underfunded and overburdened juvenile justice system in Virginia; and

WHEREAS, this report also found that "late appointment of counsel, lack of resources, and multiple barriers disproportionately affected children and youth of color"; and

WHEREAS, minorities constitute 27% of the youth population in Virginia, but account for nearly 60% of juveniles arrested; and

WHEREAS, caseloads involving juvenile offenders range from 679 per year in rural areas to 1,500 per year in urban jurisdictions; and

WHEREAS, it has been 10 years since the juvenile justice system has been substantially reformed; and

WHEREAS, a study of many of the issues raised by the ABA as well as other groups should be given a complete review to determine what, if any, steps can be taken to improve the deficiencies in Virginia's juvenile justice system; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study Virginia's juvenile justice system.

In conducting its study, the Commission shall focus on recidivism, disproportionate minority contact with the justice system, improving the quality of and access to legal counsel based on the ABA recommendations, accountability in the courts, and diversion. The Crime Commission shall also analyze Title 16.1 of the Code of Virginia to determine the adequacy and effectiveness of Virginia's statutes and procedures relating to juvenile delinquency.

All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its meetings for the first year by November 30, 2006, and for the second year by November 30, 2007, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.