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SENATE JOINT RESOLUTION NO. 45

Offered January 9, 2008

Prefiled January 8, 2008

*Requesting the Advisory Committee on Juvenile Justice to study the process of determining whether a juvenile should be tried as an adult. Report.*

Patron—Locke

Referred to Committee on Rules

WHEREAS, under current practice the determination of whether a juvenile is to be tried as a juvenile or as an adult is made initially by the judges of the juvenile and domestic relations district courts, such determinations being appealable to the circuit courts; and

WHEREAS, although § 16.1-269.1 of the Code of Virginia contains criteria to be used in determining when it is appropriate to transfer a juvenile to circuit court there is a lack of consistency and predictability in the process; and

WHEREAS, if a juvenile 14 years of age or older is charged with certain crimes and the juvenile court finds probable cause, the charge and all ancillary charges are automatically transferred to circuit court; and

WHEREAS, gang-related juvenile crimes are of great concern to the community and an assessment of whether a juvenile is affiliated with a criminal street gang should be a factor in making transfer determinations; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Advisory Committee on Juvenile Justice be requested to study the process of determining whether a juvenile should be tried as an adult.

In conducting its study, the Advisory Committee on Juvenile Justice shall study the entire transfer process, determine whether the list of crimes that are subject to automatic transfer should be revised, and evaluate the transfer process as it relates to the prevention and prosecution of gang-related juvenile crime.

All agencies of the Commonwealth shall provide assistance to the Advisory Committee on Juvenile Justice for this study, upon request.

The Advisory Committee on Juvenile Justice shall complete its meetings by November 30, 2008, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2009 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

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