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SENATE BILL NO. 1218

Offered January 14, 2009

Prefiled January 13, 2009

A BILL to amend and reenact §§ 16.1-237 and 16.1-305.2 of the Code of Virginia, relating to disclosure of juvenile probation and parole reports.

Patron—Obenshain

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 16.1-237 and 16.1-305.2 of the Code of Virginia are amended and reenacted as follows:**

§ 16.1-237. Powers, duties and functions of probation and parole officers.

In addition to any other powers and duties imposed by this law, a probation or parole officer appointed hereunder shall:

A. Investigate all cases referred to him by the judge or any person designated so to do, and shall render reports of such investigation as required;

B. Supervise persons placed under his supervision and shall keep informed concerning the conduct and condition of every person under his supervision by visiting, requiring reports and in other ways, and shall report thereon as required;

C. Under the general supervision of the director of the court service unit, investigate complaints and accept for informal supervision cases wherein such handling would best serve the interests of all concerned;

D. Use all suitable methods not inconsistent with conditions imposed by the court to aid and encourage persons on probation or parole and to bring about improvement in their conduct and condition;

E. Furnish to each person placed on probation or parole a written statement of the conditions of his probation or parole and instruct him regarding the same;

F. Keep records of his work and perform such other duties as the judge or other person designated by the judge or the Director shall require;

G. Have the authority to administer oaths and take acknowledgements for the purposes of §§ 16.1-259 and 16.1-260 to facilitate the processes of intake and petition;

H. Have the powers of arrest of a police officer and the power to carry a concealed weapon when specifically so authorized by the judge; ~~and~~

I. Determine by reviewing the Local Inmate Data System or the Juvenile Tracking System (JTS) upon intake and again prior to discharge whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to submit a sample pursuant to § 16.1-299.1 and, if no sample has been taken, require an offender to submit a sample for DNA analysis; *and*

J. Notwithstanding any other provision of law, transmit to the division superintendent of the school division where a juvenile who (i) is the subject of a petition for, (ii) has been adjudicated delinquent of, or (iii) has been convicted of an offense listed in subsection G of § 16.1-260 is enrolled, any probation or parole report, including intake, social history and sentencing reports, regarding such juvenile and prepared in relation to his alleged commission of or adjudication regarding such offense.

§ 16.1-305.2. Disclosure of notice of the filing of a petition and certain reports by division superintendent.

Except as otherwise provided in this section, a division superintendent shall not disclose information contained in or derived from a (i) notice of petition received pursuant to § 16.1-260 or (ii) report received pursuant to subsection J of § 16.1-237. If the juvenile is not enrolled as a student in a public school in the division to which the notice or report was given, the superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed or the probation or parole officer who sent the report and may forward the notice of petition or report to the superintendent of the division in which the juvenile is enrolled, if known.

If the division superintendent believes that disclosure of information regarding a petition to school personnel is necessary to ensure the physical safety of the juvenile, other students or school personnel within the division, he may at any time prior to receipt of the notice of disposition in accordance with § 16.1-305.1, disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the juvenile who is the subject of the petition is enrolled. The principal may further disseminate the information regarding a petition, after the juvenile has been taken into custody, whether or not the child has been released, only to those students and school personnel having direct

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59 contact with the juvenile and need of the information to ensure physical safety or the appropriate
60 educational placement or other educational services.

61 *If the division superintendent believes that disclosure of information regarding a report received*
62 *pursuant to subsection J of § 16.1-237 to school personnel is necessary to ensure the physical safety of*
63 *the juvenile, other students, or school personnel within the division he may disclose the information to*
64 *the principal of the school in which the juvenile is enrolled. The principal may further disseminate the*
65 *information regarding such report only to those students and school personnel having direct contact*
66 *with the juvenile and need of the information to ensure physical safety or the appropriate educational*
67 *placement or other educational services.*