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SENATE BILL NO. 1218

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 9, 2009)

(Patron Prior to Substitute—Senator Obenshain)

A BILL to amend and reenact § 16.1-305.2 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 2 of Title 66 a section numbered 66-25.2:1, relating to disclosure of juvenile probation and parole reports.

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-305.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Title 66 a section numbered 66-25.2:1 as follows:

§ 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 § 66-25.2:1. 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 Director of the Department 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 contact with the juvenile and need of the information to ensure physical safety or the appropriate educational placement or other educational services.

If the division superintendent believes that disclosure of information regarding a report received pursuant to § 66-25.2:1 to school personnel is necessary to ensure the physical safety of the juvenile, other students, or school personnel within the division he may disclose the information to the principal of the school in which the juvenile is enrolled. The principal may further disseminate the information regarding such report only to school personnel as necessary to protect the juvenile, the subject or subjects of the danger, other students, or school personnel.

§ 66-25.2:1. Director; notice to school superintendent prior to release of certain offenders.

The Director or designee shall notify the school division superintendent in the jurisdiction in which the juvenile will be enrolled upon release from a juvenile correctional center if the Director reasonably believes that the juvenile poses any credible danger of serious bodily injury or death to one or more students, school personnel, or others on school property. Such information shall include the nature of the danger. The information provided to a school division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.