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SENATE BILL NO. 149

Offered January 8, 2014

Prefiled December 31, 2013

A BILL to amend and reenact § 30-111 of the Code of Virginia, relating to the General Assembly Conflicts of Interests Act; disclosure requirements; gifts.

Patron—Stuart

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:**1. That § 30-111 of the Code of Virginia is amended and reenacted as follows:****§ 30-111. Disclosure form.**

A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be substantially as follows:

STATEMENT OF ECONOMIC INTERESTS.

Name

Office or position held or sought

Home address

Names of members of immediate family

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the filer shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the legislator is no longer employed, or (ii) the receipt of compensation for work performed by the legislator as an independent contractor of a business that represents an entity before any state governmental agency when the legislator has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Dependent" means any person, whether or not related by blood or marriage, who receives from the legislator, or provides to the legislator, more than one-half of his financial support.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" shall not include any offer of a ticket or other admission or pass unless the ticket, admission, or pass is used. "Gift" shall not include honorary degrees and presents from relatives. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as the legislator, who is a dependent of the legislator or of whom the legislator is a dependent.

"Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal services, consulting services, or public relations services, whether gratuitous or for compensation, between a member or member-elect and any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth, or (ii) a greater than three percent ownership interest by a member or member-elect in a business that employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not (i) constitute a waiver of any attorney-client or other privilege, (ii) require a waiver of any attorney-client or other privilege for a third party, or (iii) be required where a member or member-elect is employed or engaged by a person and such person also employs or engages a person in a lobbyist relationship so long as the member or member-elect has no financial interest in the lobbyist relationship.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust,

INTRODUCED

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58 treat the trust's assets as if you own them directly. If you or your immediate family has a proportional
59 interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if
60 you and your immediate family have a one-third interest in a trust, complete your Statement as if you
61 own one-third of each of the trust's assets. If you or a member of your immediate family created a trust
62 and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

63 REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this
64 Statement must be provided on the basis of the best knowledge, information and belief of the individual
65 filing the Statement as of the date of this report unless otherwise stated.

66 COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.

67 You may attach additional explanatory information.

68 1. Offices and Directorships.

69 Are you or a member of your immediate family a paid officer or paid director of a business?

70 EITHER check NO / / OR check YES / / and complete Schedule A.

71 2. Personal Liabilities.

72 Do you or a member of your immediate family owe more than \$10,000 to any one creditor including
73 contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property
74 at least equal in value to the loan.)

75 EITHER check NO / / OR check YES / / and complete Schedule B.

76 3. Securities.

77 Do you or a member of your immediate family, directly or indirectly, separately or together, own
78 securities valued in excess of \$10,000 invested in one business? Account for mutual funds, limited
79 partnerships and trusts.

80 EITHER check NO / / OR check YES / / and complete Schedule C.

81 4. Payments for Talks, Meetings, and Publications.

82 During the past 12 months did you receive lodging, transportation, money, or anything else of value
83 with a combined value exceeding \$200 for a single talk, meeting, or published work in your capacity as
84 a legislator? Do not include payments and reimbursements from the Commonwealth for meetings
85 attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such meetings.

86 EITHER check NO / / OR check YES / / and complete Schedule D.

87 5. Gifts.

88 During the past 12 months did a business, government, or individual other than a relative or personal
89 friend (i) furnish you with any gift or entertainment at a single event, and the value received by you
90 exceeded \$50 in value or (ii) furnish you or your immediate family member with gifts or entertainment
91 in any combination and the value received by you exceeded \$100 in total value; and for which you or
92 your immediate family member neither paid nor rendered services in exchange? Account for
93 entertainment events only if the average value per person attending the event exceeded \$50 in value.
94 Account for all business entertainment (except if related to your or your immediate family member's
95 private profession or occupation) even if unrelated to your official duties. Do not account for gifts from
96 relatives or personal friends given for reasons clearly unrelated to your public position.

97 EITHER check NO / / OR check YES / / and complete Schedule E.

98 6. Salary and Wages.

99 List each employer that pays you or a member of your immediate family salary or wages in excess
100 of \$10,000 annually. (Exclude any salary received as a member of the General Assembly pursuant to
101 § 30-19.11.)

102 If no reportable salary or wages, check here / / .

103 _____
104 _____
105 _____

106 7. Business Interests and Lobbyist Relationships.

107 7A. Do you or a member of your immediate family, separately or together, operate your own
108 business, or own or control an interest in excess of \$10,000 in a business?

109 EITHER check NO / / OR check YES / / and complete Schedule F-1.

110 7B. Do you have a lobbyist relationship as that term is defined above?

111 EITHER check NO / / OR check YES / / and complete Schedule F-2.

112 8. Payments for Representation and Other Services.

113 8A. Did you represent any businesses before any state governmental agencies, excluding courts or
114 judges, for which you received total compensation during the past 12 months in excess of \$1,000,
115 excluding compensation for other services to such businesses and representation consisting solely of the
116 filing of mandatory papers and subsequent representation regarding the mandatory papers?

117 EITHER check NO / / OR check YES / / and complete Schedule G-1.

118 8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial
119 association (partners, associates or others) represent any businesses before any state governmental agency

for which total compensation was received during the past 12 months in excess of \$1,000?

EITHER check NO / / OR check YES / / and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia, pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past 12 months? Services reported under this provision shall not include services involving the representation of businesses that are reported under question 8A or 8B above.

EITHER check NO / / OR check YES / / and complete Schedule G-3.

9. Real Estate.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at \$10,000 or more in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO / / OR check YES / / and complete Schedule H.

10. Real Estate Contracts with State Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than \$10,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past 12 months, with a state governmental agency?

If the real estate contract provides for the leasing of the property to a state governmental agency, do you or a member of your immediate family hold an interest in the real estate, including a corporate, partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F or H. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO / / OR check YES / / and complete Schedule I.

11. Payments by the Commonwealth for Meetings.

During the past 12 months did you receive lodging, transportation, money, or anything else of value with a combined value exceeding \$200 from the Commonwealth for a single meeting attended out-of-state in your capacity as a legislator? Do not include reimbursements from the Commonwealth for meetings attended in the Commonwealth.

EITHER check NO / / OR check YES / / and complete Schedule D-2.

Statements of Economic Interests are open for public inspection.

AFFIRMATION.

In accordance with the rules of the house in which I serve, if I receive a request that this disclosure statement be corrected, augmented, or revised in any respect, I hereby pledge that I shall respond promptly to the request. I understand that if a determination is made that the statement is insufficient, I will satisfy such request or be subjected to disciplinary action of my house.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature _____

Commonwealth of Virginia

_____ of _____ to wit:

The foregoing disclosure form was acknowledged before me

This _____ day of _____, 20____, by _____

Notary Public

My commission expires _____

(Return only if needed to complete Statement.)

SCHEDULES

to

STATEMENT OF ECONOMIC INTERESTS.

NAME _____

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business

Address of Business

Position Held

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of \$10,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one \$10,001 to \$50,000	Check one More than \$50,000
Banks		
Savings institutions		
Other loan or finance companies		
Insurance companies		
Stock, commodity, or other brokerage companies		
Other businesses: (State principal business activity for each creditor.)		
Individual creditors: (State principal business or occupation of each creditor.)		

2. The personal debts of the members of my immediate family are as follows:

Check appropriate categories	Check one \$10,001 to \$50,000	Check one More than \$50,000
Banks		
Savings institutions		
Other loan or finance companies		
Insurance companies		
Stock, commodity, or other brokerage companies		
Other businesses: (State principal business activity for each creditor.)		
Individual creditors: (State principal business or occupation of each creditor.)		

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts.

"Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$10,000. Name each entity and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here / / .

			Check one		
	Type of	Type of Security	\$10,001	\$50,001	More
	Entity	(stocks, bonds, mutual funds, etc.)	to	to	than
Name of Issuer			\$50,000	\$250,000	\$250,000

RETURN TO ITEM 4

SCHEDULE D-1 - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past 12 months lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting) with a combined value exceeding \$200 for your presentation of a single talk, participation in one meeting, or publication of a work in your capacity as a legislator. Do not list payments or reimbursements by the Commonwealth. (See Schedule D-2 for such payments or reimbursements.) List a payment even if you donated it to charity. Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here / / .

			Type of Payment
			(e.g., Honoraria, Travel reimbursement, etc.)
Payer	Approximate Value	Circumstances	

RETURN TO ITEM 5

SCHEDULE D-2 - PAYMENTS BY THE COMMONWEALTH FOR MEETINGS.

List each meeting for which the Commonwealth provided payments or reimbursements during the past 12 months to you for lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting) with a combined value exceeding \$200 for your participation in your capacity as a legislator. Do not list payments or reimbursements by the Commonwealth for meetings or travel within the Commonwealth.

If no payment must be listed, check here / / .

Type of Payment
(e.g., Travel
reimbursement,

295	Payer	Approximate Value	Circumstances	etc.)
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301 SCHEDULE E - GIFTS.

302 List each business, governmental entity, or individual that, during the past 12 months, (i) furnished
 303 you with any gift or entertainment at a single event and the value received by you exceeded \$50 in
 304 value, or (ii) furnished you *or an immediate family member* with gifts or entertainment in any
 305 combination and the value received ~~by you~~ exceeded \$100 in total value; and for which you *or your*
 306 *immediate family member* neither paid nor rendered services in exchange. List each such gift or event.

307 Do not list entertainment events unless the average value per person attending the event exceeded
 308 \$50 in value. Do not list business entertainment related to your *or your immediate family member's*
 309 private profession or occupation. Do not list gifts or other things of value given by a relative or personal
 310 friend for reasons clearly unrelated to your public position.

311 Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.)
 312 of Title 24.2 of the Code of Virginia.

315	Name of Business, Organization, or Individual	City or County and State	Gift or Event	Approximate Value
316	<i>Name of</i>			
317	<i>Recipient</i>			
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323 RETURN TO ITEM 6

324 SCHEDULE F-1 - BUSINESS INTERESTS.

325 Complete this Schedule for each self-owned or family-owned business (including rental property, a
 326 farm, or consulting work), partnership, or corporation in which you or a member of your immediate
 327 family, separately or together, own an interest having a value in excess of \$10,000.

328 If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name;
 329 otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a
 330 trade, partnership, or corporate name, list the name only; otherwise, give the address of each property.
 331 Account for business interests held in trust.

334	Name of Business Corporation, Partnership, Farm;	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	\$50,000 or less	Gross income \$50,001 to \$250,000	More than \$250,000
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339	Address of					
340	Rental					
341	Property					
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347 RETURN TO ITEM 8

348 SCHEDULE F-2 - LOBBYIST RELATIONSHIPS AND PAYMENTS.

349 Complete this Schedule for each lobbyist relationship with the following:

350 (i) any person who is, or has been within the prior calendar year, registered as a lobbyist with the
 351 Secretary of the Commonwealth, or

352 (ii) any business in which you have a greater than three percent ownership interest and that business
 353 employs, or engages as an independent contractor, any person who is, or has been within the prior

calendar year, registered as a lobbyist with the Secretary of the Commonwealth.

List each person or business	Describe each relationship	Dates of relationship	Payments to Lobbyist	
			\$10,000 or less	More than \$10,000 ¹

THE DISCLOSURE OF A LOBBYIST RELATIONSHIP SHALL NOT (I) CONSTITUTE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE, (II) REQUIRE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE FOR A THIRD PARTY, OR (III) BE REQUIRED WHERE A MEMBER OR MEMBER-ELECT IS EMPLOYED OR ENGAGED BY A PERSON AND SUCH PERSON ALSO EMPLOYS OR ENGAGES A PERSON IN A LOBBYIST RELATIONSHIP SO LONG AS THE MEMBER OR MEMBER-ELECT HAS NO FINANCIAL INTEREST IN THE LOBBYIST RELATIONSHIP.

SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.

List the businesses you represented before any state governmental agency, excluding any court or judge, for which you received total compensation during the past 12 months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by you.

Identify each business, the nature of the representation and the amount received by dollar category from each such business. You may state the type, rather than name, of the business if you are required by law not to reveal the name of the business represented by you.

Name of Busi- ness	Type of Busi- ness	Pur- pose of Repre- senta- tion	Name of Agency	Amount Received					
				\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 to \$500,000	\$500,001 and over

If you have received \$250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest \$10,000. Amount Received: _____.

SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

List the businesses that have been represented before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past 12 months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of Business	Name of State Governmental Agency

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414 SCHEDULE G-3 - PAYMENTS FOR OTHER SERVICES GENERALLY.

415 Indicate below types of businesses that operate in Virginia to which services were furnished by you
 416 or persons with whom you have a close financial association pursuant to an agreement between you and
 417 such businesses, or between persons with whom you have a close financial association and such
 418 businesses and for which total compensation in excess of \$1,000 was received during the past 12
 419 months. Services reported in this Schedule shall not include services involving the representation of
 420 businesses that are reported in Schedule G-1 or G-2 above.

421 Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of
 422 service rendered and (iii) the value by dollar category of the compensation received for all businesses
 423 falling within each category.

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	Check	Type	Value of Compensation				
	ser-	of					
	vices	ser-					
	were	vice	\$1,001	\$10,001	\$50,001	\$100,001	
	ren-	ren-	to	to	to	to	\$250,001
	dered	dered	\$10,000	\$50,000	\$100,000	\$250,000	and over
Electric utilities							
Gas utilities							
Telephone utilities							
Water utilities							
Cable television							
companies							
Interstate							
transportation							
companies							
Intrastate							
transportation							
companies							
Oil or gas retail							
companies							
Banks							
Savings							
institutions							
Loan or finance							
companies							
Manufacturing							
companies (state							
type of product,							
e.g., textile,							
furniture, etc.)							
Mining companies							
Life insurance							
companies							
Casualty insurance							
companies							
Other insurance							
companies							
Retail companies							
Beer, wine or							
liquor companies							
or distributors							
Trade associations							

Professional associations	_____	_____	_____	_____	_____	_____
Associations of public employees or officials	_____	_____	_____	_____	_____	_____
Counties, cities or towns	_____	_____	_____	_____	_____	_____
Labor organizations	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____

RETURN TO ITEM 9

SCHEDULE H - REAL ESTATE.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at \$10,000 or more. Each parcel must be listed individually.

List the location (state, and county or city where you own real estate	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.)	If the real estate is owned or recorded in a name other than your own, list that name
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 10

SCHEDULE I - REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past 12 months, with a state governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at \$10,000 or more. List all contracts with a state governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at \$1,000 or more. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.	State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.
_____	_____	_____
_____	_____	_____

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530 B. Any legislator who makes a knowing misstatement of a material fact on the Statement of
531 Economic Interests shall be subject to disciplinary action for such violations by the house in which the
532 legislator sits.

533 C. In accordance with the rules of each house, the Statement of Economic Interests of all members
534 of each house shall be reviewed. If a legislator's Statement is found to be inadequate as filed, the
535 legislator shall be notified in writing and directed to file an amended Statement correcting the indicated
536 deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of
537 Economic Interests, in either its original or amended form, is found to be adequate as filed, the
538 legislator's filing shall be deemed in full compliance with this section as to the information disclosed
539 thereon.

540 D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing
541 request the house in which those members sit, in accordance with the rules of that house, to review the
542 Statement of Economic Interests of another member of that house in order to determine the adequacy of
543 his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be
544 promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator
545 whose Statement is in issue. Should it be determined that the Statement requires correction,
546 augmentation or revision, the legislator involved shall be directed to make the changes required within
547 such time as shall be set under the rules of each house.

548 If a legislator, after having been notified in writing in accordance with the rules of the house in
549 which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into
550 compliance within the time limit set, he shall be subject to disciplinary action by the house in which he
551 sits. No legislator shall vote on any question relating to his own Statement.

552 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
553 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
554 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
555 **806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to**
556 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
557 **necessary appropriation is \$0 for periods of commitment to the custody of the Department of**
558 **Juvenile Justice.**