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HOUSE BILL NO. 1230

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend and reenact §§ 16.1-322.7 and 66-10 of the Code of Virginia, relating to State Board of Juvenile Justice; minimum standards and policies; suicide watch.

Patron—Hayes

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:**1. That §§ 16.2-322.7 and 66-10 of the Code of Virginia are amended and reenacted as follows:****§ 16.1-322.7. State Board to promulgate regulations.**

The State Board shall make, adopt, and promulgate regulations governing the following aspects of private management and operation of local or regional detention homes or other secure facilities:

1. The schedule for state reimbursement to the cities or counties or any combination thereof, as the case may be, for costs of construction;

2. The manner of state payment to the localities for the care and custody costs at the facility of children for whom the Commonwealth is required to provide funds. However, in no event shall the payment to the localities, when calculated on a per diem per child basis, exceed the total cost ordinarily paid by the Commonwealth to the locality for the care and custody expenses of such children, when calculated on a per diem per child basis;

3. Minimum standards for the construction, equipment, administration, and operation of the facilities; however, the standards must be at least as stringent as those established for other local or regional detention homes or other secure facilities;

4. Contingency plans for operation of a contractor-operated facility in the event of a termination of the contract;

5. The powers and duties of contractors' personnel charged with the care and custody of detainees, including use of force and discipline;

6. Methods of monitoring a contractor-operated facility by an appropriate state or local governmental entity or entities;

7. Public access to a contractor-operated facility; ~~and~~

8. *Minimum standards regarding the transportation of juvenile offenders to and from privately managed and operated local or regional detention homes or other secure facilities to state correctional facilities, Department facilities, local and regional jails, state and local pretrial and community-based probation service agencies, and other juvenile detention facilities, which standards shall specifically include standards regarding a suicide watch instrument; and*

8- 9. Such other regulations as may be necessary to carry out the provisions of this article.

§ 66-10. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To establish and monitor policies for the programs and facilities for which the Department is responsible under this law.

2. To ensure the development of a long-range youth services policy.

3. To monitor the activities of the Department and its effectiveness in implementing the policies developed by the Board.

4. To advise the Governor and Director on matters relating to youth services.

5. To promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth.

6. To ensure the development of programs to educate citizens and elicit public support for the activities of the Department.

7. To establish length-of-stay guidelines for juveniles indeterminately committed to the Department and to make such guidelines available for public comment.

8. To adopt all necessary regulations for the management and operation of the schools in the Department except that the regulations adopted hereunder shall not conflict with regulations relating to security of the institutions in which the juveniles are committed.

9. *To establish and monitor standards and policies regarding the transportation of juvenile offenders to and from state correctional facilities, Department facilities, local and regional jails, state and local pretrial and community-based probation service agencies, and other juvenile detention facilities, which standards and policies shall specifically include standards and policies regarding a suicide watch*

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59 *instrument.*