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HOUSE BILL NO. 1771

Offered January 9, 2019

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A *BILL to amend and reenact §§ 16.1-309.2, 16.1-309.3, and 16.2-309.7 of the Code of Virginia, relating to the Virginia Juvenile Community Crime Control Act; prevention of juvenile crime prior to intake.*

Patrons—Mullin, Peace and Keam; Senator: Lewis

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-309.2, 16.1-309.3, and 16.2-309.7 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-309.2. Purpose and intent.

The General Assembly, to ensure *the prevention of juvenile crime and the imposition of appropriate and just sanctions and to make the most efficient use of community diversion and community-based and correctional resources for those juveniles who have been screened for needing community diversion or community-based services using an evidence-based assessment protocol or are before intake on complaints or the court on petitions alleging that the juvenile is a child in need of services, child in need of supervision, or delinquent, has determined that it is in the best interest of the Commonwealth to establish a community-based system of progressive intensive sanctions and services that correspond to the severity of offense and treatment needs. The purpose of this system shall be to deter crime by providing community diversion or community-based services to juveniles who are in need of such services and by providing an immediate, effective punishment that emphasizes accountability of the juvenile offender for his actions as well as reduces the pattern of repeat offending. In furtherance of this purpose, counties, cities or combinations thereof are encouraged to develop, implement, operate, and evaluate programs and services responsive to their specific juvenile offender needs and juvenile crime trends.*

This article shall be interpreted and construed to accomplish the following purposes:

1. Promote an adequate level of services to be available to every juvenile and domestic relations district court.

2. Ensure local autonomy and flexibility in addressing juvenile crime.

3. Encourage a public and private partnership in the design and delivery of services for juveniles who come before intake on a complaint or the court on a petition alleging a child is in need of services, in need of supervision, or delinquent *or have been screened for needing community diversion or community-based services using an evidence-based assessment protocol.*

4. Emphasize parental responsibility and provide community-based services for juveniles and their families which hold them accountable for their behavior.

5. Establish a locally driven statewide planning process for the allocation of state resources.

6. Promote the development of an adequate service capacity for juveniles before intake on a complaint or the court on petitions alleging status or delinquent offenses.

§ 16.1-309.3. Establishment of a community-based system of services; biennial local plan; quarterly report.

A. Any county, city, or combination thereof may establish a community-based system pursuant to this article, which shall provide, or arrange to have accessible, a variety of predispositional and postdispositional services. These services may include, but are not limited to, diversion, community service, restitution, house arrest, intensive juvenile supervision, substance abuse assessment and testing, first-time offender programs, intensive individual and family treatment, structured day treatment and structured residential programs, aftercare/parole community supervision, and residential and nonresidential services for *juveniles who have been screened for needing community diversion or community-based services using an evidence-based assessment protocol or juvenile offenders who are before intake on complaints or the court on petitions alleging that the juvenile is delinquent, in need of services, or in need of supervision but shall not include secure detention for the purposes of this article. Such community-based systems shall be based on an annual review of court-related data and an objective assessment of the need for services and programs for juveniles who have been screened for needing community diversion or community-based services using an evidence-based assessment protocol or juvenile offenders who are before intake on complaints or the court on petitions alleging that the juvenile is a child in need of services, in need of supervision, or delinquent. The community- based*

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59 system shall be developed after consultation with the judge or judges of the juvenile and domestic
60 relations district court, the director of the court services unit, the community policy and management
61 team established under § 2.2-5205, and, if applicable, the director of any program established pursuant
62 to § 66-26.

63 B. Community-based services instituted pursuant to this article shall be administered by a county,
64 city, or combination thereof, and may be administered through a community policy and management
65 team established under § 2.2-5204 or a commission established under § 16.1-315. Such programs and
66 services may be provided by qualified public or private agencies, pursuant to appropriate contracts. Any
67 commission established under § 16.1-315 providing predispositional and postdispositional services prior
68 to the enactment of this article which serves the City of Chesapeake or the City of Hampton shall
69 directly receive the proportion of funds calculated under § 16.1-309.7 on behalf of the owner localities.
70 The funds received shall be allocated directly to the member localities. Any member locality which
71 elects to withdraw from the commission shall be entitled to its full allocation as provided in §§
72 16.1-309.6 and 16.1-309.7. The Department of Juvenile Justice shall provide technical assistance to
73 localities, upon request, for establishing or expanding programs or services pursuant to this article.

74 C. Funds provided to implement the provisions of this article shall not be used to supplant funds
75 established as the state pool of funds under § 2.2-5211.

76 D. Any county, city, or combination thereof which establishes a community-based system pursuant to
77 this article shall biennially submit to the State Board for approval a local plan for the development,
78 implementation, and operation of such services, programs, and facilities pursuant to this article. The plan
79 shall provide (i) the projected number of juveniles served by alternatives to secure detention and (ii) any
80 reduction in secure detention rates and commitments to state care as a result of programs funded
81 pursuant to this article. The State Board shall solicit written comments on the plan from the judge or
82 judges of the juvenile and domestic relations court, the director of the court services unit, and, if
83 applicable, the director of programs established pursuant to § 66-26. Prior to the initiation of any new
84 services, the plan shall also include a cost comparison for the private operation of such services.

85 E. Each locality shall report quarterly to the Director the data required by the Department to measure
86 progress on stated objectives and to evaluate programs and services within such locality's plan.

87 **§ 16.1-309.7. Determination of payment.**

88 A. The Commonwealth shall provide financial assistance to localities whose plans have been
89 approved pursuant to subsection D of § 16.1-309.3 in quarterly payments based on the annual calculated
90 costs which shall be determined as follows:

91 1. For community diversion services, one-half of the calculated costs as determined by the following
92 factors: (i) the statewide daily average costs for predispositional nonresidential services and (ii) the total
93 number of children in need of services and children in need of supervision complaints diverted at intake
94 by the locality in the previous year *and the total number of children who have been screened for*
95 *needing community diversion or community-based services using an evidence-based assessment protocol.*

96 2. For predispositional community-based services, three-quarters of the calculated costs as determined
97 by the following factors: (i) the statewide daily average cost evenly divided for predispositional
98 community-based residential and nonresidential services and (ii) the number of arrests of juveniles based
99 on the locality's most recent year available Uniform Crime Reports for (a) one-third of all Part 1 crimes
100 against property, (b) one-third of all drug offenses and (c) all remaining Part 2 arrests.

101 3. For postdispositional community-based services for adjudicated juveniles, one-half of the
102 calculated costs as determined by the following factors: (i) the statewide average daily costs for
103 postdispositional community-based nonresidential services and (ii) the locality's total number of
104 juveniles, who, in the previous year, were adjudicated delinquent for the first time.

105 4. For postdispositional community-based services for juveniles adjudicated delinquent for a second
106 or subsequent offense, one-half of the calculated costs as determined by the following factors: (i) the
107 statewide average daily costs evenly divided for postdispositional community-based residential and
108 nonresidential services and (ii) the locality's total number of court dispositions which, in the previous
109 year, adjudicated juveniles as (a) delinquent for a second or subsequent offense, (b) children in need of
110 services, or (c) children in need of supervision, less those juveniles receiving services under the
111 provisions of §§ 16.1-285.1 and 16.1-286.

112 B. Any moneys distributed by the Commonwealth under this article which are unexpended at the end
113 of each fiscal year within a biennium shall be retained by the county, city or combination thereof and
114 subsequently expended for operating expenses of Juvenile Community Crime Control Act programs. Any
115 surplus funds remaining at the end of a biennium shall be returned to the state treasury.