

LD3694124

## HOUSE BILL NO. 1897

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations  
on February 2, 1995)

(Patron Prior to Substitute—Delegate Jackson)

A BILL to amend the Code of Virginia by adding in Chapter 11 of Title 16.1 an article numbered 12.1, consisting of sections numbered 16.1-309.2 through 16.1-309.10, and to repeal §§ 16.1-310 through 16.1-314 of the Code of Virginia, relating to the Virginia Juvenile Community Crime Control Act; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 11 of Title 16.1 an article numbered 12.1, consisting of sections numbered 16.1-309.2 through 16.1-309.10, as follows:

## Article 12.1.

## Virginia Juvenile Community Crime Control Act.

## § 16.1-309.2. Purpose and intent.

The General Assembly, to ensure the imposition of appropriate and just sanctions and to make the most efficient use of correctional resources for those juveniles before the court on petitions alleging children in need of services, children in need of supervision, or delinquent offenses, 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 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 the court on status and delinquent charges.

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 the court on petitions alleging children in need of services, children in need of supervision, 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 diversion, house arrest, intensive juvenile supervision, substance abuse assessment and testing, intensive individual and family treatment, access to a secure detention facility, structured day treatment and structured residential programs, aftercare/parole community supervision and residential and nonresidential services for juvenile offenders who are before the court on petitions alleging that the juvenile is delinquent, in need of services or in need of supervision. Such community-based systems shall be developed after consultation with the judge or judges of the juvenile and domestic relations district court and the director of the court services unit.

B. Community-based services instituted pursuant to this article shall be administered by a county, city or combination thereof, and may be administered through a community policy and management team established under § 2.1-750 or a commission established under § 16.1-315. Such programs and services may be provided by qualified public or private agencies, pursuant to appropriate contracts. The Department of Youth and Family Services shall provide technical assistance to localities, upon request, for establishing or expanding programs or services pursuant to this article.

C. Funds provided to implement the provisions of this article shall not be used to supplant funds established as the state pool of funds under § 2.1-757.

D. Any county, city or combination thereof which establishes a community-based system pursuant to this article shall biennially submit to the State Board for approval a local plan for the development, implementation and operation of such services, programs and facilities pursuant to this article. Prior to the initiation of any new services, the plan shall also include a cost comparison for the private

60 operation of such services.

61 E. Each locality shall report quarterly to the Director the number of child-care days registered  
62 during the preceding month by each juvenile correctional program or facility operated within such  
63 locality.

64 § 16.1-309.4. Statewide plan for juvenile services.

65 It shall be the duty of the Department of Youth and Family Services to devise, develop and  
66 promulgate a statewide plan for the establishment and maintenance of a range of institutional and  
67 community-based, predispositional and postdispositional services to be reasonably accessible to each  
68 court. The Department shall be responsible for the collection and dissemination of the required court  
69 data necessary for the development of the plan. The plan shall utilize the information provided by local  
70 plans submitted under § 16.1-309.3. The plan shall be submitted to the Board on or before July 1 in  
71 odd-numbered years. The plan shall include a biennial forecast with appropriate annual updates as may  
72 be required of future learning center and detention home needs.

73 § 16.1-309.5. Construction, etc., of detention homes and other facilities; reimbursement in part by  
74 Commonwealth.

75 A. The Commonwealth shall reimburse any county, city or any combination thereof for up to one-half  
76 the cost of construction, enlargement, renovation, purchase or rental of a detention home or other  
77 facility upon a basis approved by the Board in accordance with the provisions of this section.

78 B. The construction, renovation, purchase, rental, maintenance and operation of a detention home or  
79 other facilities established by a county, city or any combination thereof and the necessary expenses  
80 incurred in operating such facilities shall be the responsibility of the county, city or any combination  
81 thereof.

82 C. The Board shall promulgate regulations to include criteria to serve as guidelines in evaluating  
83 requests for such reimbursements and to ensure the geographically equitable distribution of state funds  
84 provided for such purpose. Priority funding shall be given to multijurisdictional initiatives. No such  
85 reimbursement for costs of construction shall be made, however, unless the plans and specifications,  
86 including the need for additional personnel therefor, have been submitted to the Governor and the  
87 construction has been approved by him. Such reimbursement shall be paid by the State Treasurer out of  
88 funds appropriated to the Department. In the event that a county or city requests and receives financial  
89 assistance from other public fund sources outside the provisions of this law, the total financial  
90 assistance and reimbursement shall not exceed the total construction cost of the project exclusive of land  
91 and site improvement costs, and such funds shall not be considered state funds.

92 § 16.1-309.6. How state appropriations for operating costs of Juvenile Community Crime Control Act  
93 programs determined; notice of financial aid.

94 The Governor's proposed biennial budget shall include, for each fiscal year, an appropriation for  
95 operating costs for Juvenile Community Crime Control Act programs. The proposed appropriation shall  
96 include amounts for compensating counties, cities and combinations thereof who elect to establish a  
97 system of community-based services pursuant to this article.

98 The Department shall review annually the costs of operating services, programs and facilities  
99 pursuant to this article and recommend adjustments to maintain the Commonwealth's proportionate  
100 share. The Department shall no later than the fifteenth day following adjournment sine die of the  
101 General Assembly provide each county and city an estimate of funds appropriated pursuant to this  
102 article. No county, city or combination thereof approved under the provisions of this act, which utilized  
103 block grant services or programs in fiscal year 1995, may contribute less funding for the implementation  
104 of its local plan than was contributed in fiscal year 1995.

105 § 16.1-309.7. Determination of payment.

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

109 1. For secure detention services, one-half of the calculated costs as determined by the following  
110 factors: (i) the statewide average daily cost for secure confinement in detention; (ii) the number of  
111 juvenile arrests based on the locality's most recent year available Uniform Crime Reports for (a) all  
112 Part I crimes against the person, (b) two-thirds of Part I crimes against property, and (c) two-thirds of  
113 all drug offenses; and (iii) one-fourth of the locality's total number of days juveniles were placed in  
114 secure detention.

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

121 3. For postdispositional community-based services, one-half of the calculated costs as determined by

the following factors: (i) the statewide average daily costs evenly divided for postdispositional community-based residential and nonresidential services; (ii) the locality's previous year's court dispositions for all adjudicated juveniles less those receiving services under the provisions of §§ 16.1-285.1 and 16.1-286.

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

§ 16.1-309.8. Costs of maintenance of juveniles in Community Crime Control Act programs.

Any county, city or combination thereof operating a Juvenile Community Crime Control Act program may collect from any locality of this Commonwealth from which a juvenile is placed in its program a daily rate which does not exceed the sum of the total daily operating costs.

§ 16.1-309.9. Establishment of standards; determination of compliance.

A. The State Board of Youth and Family Services shall develop, promulgate and approve standards for the development, implementation, operation and evaluation of the range of community-based programs, services and facilities authorized by this article. The State Board shall also approve minimum standards for the construction and equipment of detention homes or other facilities and for food, clothing, medical attention, and supervision of juveniles to be housed in these facilities and programs.

B. The State Board may prohibit, by its order, the placement of juveniles in any place of residence which does not comply with the minimum standards. It may limit the number of juveniles to be detained or housed in a detention home or other facility and may designate some other place of detention or housing for juveniles who would otherwise be held therein.

C. The Department shall annually review all services established and expenditures made under this article to determine compliance with the approved local plans and operating standards. If the Department determines that a program is not in substantial compliance with the approved plan or standards, the Department may suspend all or any portion of financial aid made available to the locality until there is compliance.

D. Orders of the State Board of Youth and Family Services shall be enforced by circuit courts as is provided for the enforcement of orders of the State Board of Corrections under § 53.1-70.

§ 16.1-309.10. Visitation and management of detention homes; other facilities; reports of superintendent.

In the event that a detention home, group home or other residential care facility for children in need of services or delinquent or alleged delinquent youth is established by a county, city, or any combination thereof, it shall be subject to visitation, inspection and regulation by the State Board or its agents, and shall be furnished and operated so far as possible as a family home under the management of a superintendent. It shall be the duty of the superintendent to furnish the Department such reports and other statistical data relating to the operation of such detention homes, group homes or other residential care facilities for children in need of services or delinquent or alleged delinquent youth as may be required by the Director.

2. That §§ 16.1-310 through 16.1-314 of the Code of Virginia are repealed.

3. That this act shall become effective January 1, 1996, if state funds are provided to carry out the purposes of this act during the 1995 Session of the General Assembly.

4. That the owners, whether sole or partial owners, of a block grant program previously funded pursuant to § 16.1-322.1 and approved under the provisions of this act shall receive state funds under this act in an amount at least equal to the amount allocated on their behalf in FY 1995.

5. That this act shall not apply to juvenile detention facilities receiving funds pursuant to § 16.1-322.1.