

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-285.2 of the Code of Virginia, relating to release of serious*
3 *offenders.*

4 [H 2545]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 16.1-285.2 of the Code of Virginia is amended and reenacted as follows:**

8 § 16.1-285.2. Release and review hearing for serious offender.

9 A. Upon receipt of a petition of the Department of Youth and Family Services for a hearing
10 concerning a juvenile committed under § 16.1-285.1, the court shall schedule a hearing within thirty
11 days and shall appoint counsel for the juvenile pursuant to § 16.1-266. The court shall provide a copy of
12 the petition, the progress report required by this section, and notice of the time and place of the hearing
13 to (i) the juvenile, (ii) the juvenile's parent, legal guardian, or person standing in loco parentis, (iii) the
14 juvenile's guardian ad litem, if any, (iv) the juvenile's legal counsel, and (v) the attorney for the
15 Commonwealth who prosecuted the juvenile during the delinquency proceeding.

16 B. The petition shall be filed in the committing court and shall be accompanied by a progress report
17 from the Department. This report shall describe (i) the facility and living arrangement provided for the
18 juvenile by the Department, (ii) the services and treatment programs afforded the juvenile, (iii) the
19 juvenile's progress toward treatment goals and objectives, *which shall include a summary of his*
20 *educational progress*, (iv) the juvenile's potential for danger to either himself or the community, and (v)
21 a comprehensive aftercare plan for the juvenile.

22 C. At the hearing the court shall consider the progress report. The court may also consider additional
23 evidence from (i) probation officers, the learning center, treatment professionals, and the court service
24 unit; (ii) the juvenile, his legal counsel, parent, guardian or family member; or (iii) other sources the
25 court deems relevant. The hearing and all records relating thereto shall be governed by the
26 confidentiality provisions of Article 12 (§ 16.1-299 et seq.) of this chapter.

27 D. At the conclusion of the hearing, the court shall order (i) continued commitment of the juvenile to
28 the Department for completion of the original determinate period of commitment or such lesser time as
29 the court may order or (ii) release of the juvenile under such terms and conditions as the court may
30 prescribe. In making a determination under this section, the court shall consider (i) the experiences and
31 character of the juvenile before and after commitment, (ii) the nature of the offenses that the juvenile
32 was found to have committed, (iii) the manner in which the offenses were committed, (iv) the protection
33 of the community, (v) the recommendations of the Department, and (vi) any other factors the court
34 deems relevant. The order of the court shall be final and not subject to appeal.

ENROLLED

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