

LD3242649

SENATE BILL NO. 1114

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on February 2, 1995)

(Patron Prior to Substitute—Senator Earley)

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 status 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 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 diversion, house arrest, intensive juvenile supervision, substance abuse assessment and testing, intensive individual and family treatment, guaranteed 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. Any commission established under § 16.1-315 providing predispositional and postdispositional services prior to the enactment of this article which serves a member jurisdiction that is a city having a population between 135,000 and 165,000 shall directly receive, during the period fiscal year 1995 through fiscal year 2000, the proportion of funds calculated under § 16.1-309.7 on behalf of the owner localities. During the period fiscal year 1995 through fiscal year 2000, the funds received shall be allocated directly to the member localities. Any member locality which elects to withdraw from the commission be entitled to its full allocation as provided in §§ 16.1-309.6 and 16.1-309.7. The Department of Youth and Family Services shall provide technical assistance to localities, upon request, for establishing or

60 *expanding programs or services pursuant to this article.*

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

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

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

71 *§ 16.1-309.4. Statewide plan for juvenile services.*

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

80 *§ 16.1-309.5. Construction, etc., of detention homes and other facilities; reimbursement in part by*
81 *Commonwealth.*

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

85 *B. The construction, renovation, purchase, rental, maintenance and operation of a detention home or*
86 *other facilities established by a county, city or any combination thereof and the necessary expenses*
87 *incurred in operating such facilities shall be the responsibility of the county, city or any combination*
88 *thereof.*

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

99 *§ 16.1-309.6. How state appropriations for operating costs of Juvenile Community Crime Control Act*
100 *programs determined; notice of financial aid.*

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

105 *The Department shall review annually the costs of operating services, programs and facilities*
106 *pursuant to this article and recommend adjustments to maintain the Commonwealth's proportionate*
107 *share. The Department shall no later than the fifteenth day following adjournment sine die of the*
108 *General Assembly provide each county and city an estimate of funds appropriated pursuant to this*
109 *article.*

110 *§ 16.1-309.7. Determination of payment.*

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

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

120 *2. For predispositional community-based services, three-quarters of the calculated costs as*
121 *determined by the following factors: (i) the statewide daily average cost evenly divided for*

122 predispositional community-based residential and nonresidential services and (ii) the number of arrests
 123 of juveniles based on the locality's most recent year available Uniform Crime Reports for (a) one-third
 124 of all Part 1 crimes against property, (b) one-third of all drug offenses and (c) all remaining Part 2
 125 arrests.

126 3. For postdispositional community-based services, one-half of the calculated costs as determined by
 127 the following factors: (i) the statewide average daily costs evenly divided for postdispositional
 128 community-based residential and nonresidential services and (ii) the locality's previous year's court
 129 dispositions for all adjudicated juveniles less those receiving services under the provisions of
 130 §§ 16.1-285.1 and 16.1-286.

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

135 § 16.1-309.8. Costs of maintenance of juveniles in Community Crime Control Act programs.

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

139 § 16.1-309.9. Establishment of standards; determination of compliance.

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

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

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

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

156 § 16.1-309.10. Visitation and management of detention homes; other facilities; reports of
 157 superintendent.

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

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

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

169 4. That the owners, whether sole or partial owners, of a block grant program approved under the
 170 provisions of this act shall receive state funds under this act in an amount at least equal to the
 171 amount allocated on their behalf in fiscal year 1995.