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HOUSE BILL NO. 1335

Offered January 22, 1996

A BILL to amend the Code of Virginia by adding in Chapter 5 of Title 2.1 a section numbered 2.1-51.6:5, and by adding sections numbered 2.1-399.01, 9-170.1, 53.1-19.1, and 66-3.1, relating to forecasting of offender populations.

Patrons—Croshaw, Bloxom, Harris, Jackson, Plum, Putney, Robinson and Woodrum; Senator: Holland

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 5 of Title 2.1 a section numbered 2.1-51.6:5, and by adding sections numbered 2.1-399.01, 9-170.1, 53.1-19.1, and 66-3.1 as follows:

§ 2.1-51.6:5. Governor to present offender forecasts.

On or before November 1 of each year, the Governor shall present to the Chairmen of the House and Senate Committees for Courts of Justice, the Senate Finance Committee, the House Appropriations Committee, the Senate Committee on Rehabilitation and Social Services, and the House Health, Welfare and Institutions Committee, his official forecast for the following ten-year period of the number of: (i) adult offenders expected to be committed to the state correctional system, (ii) adult offenders and pretrial detainees expected to be committed or detained in local correctional facilities, and (iii) juvenile offenders expected to be committed to the custody of the Department of Youth and Family Services.

§ 2.1-399.01. Budget bill to include plan for correctional needs.

The "Budget Bill" required by § 2.1-399 to be submitted by the Governor to the presiding officer of each house of the General Assembly shall include a statement which sets forth a plan to address the needs for state adult and juvenile correctional facilities and community-based corrections system programs to accommodate the projected population of adult offenders to be committed to the state correctional system and juvenile offenders to be committed to the custody of the Department of Youth and Family Services for the next three biennia. The plan shall include an estimate of (i) the number of offenders who will require maximum, medium or minimum custody confinement, (ii) the number of adult offenders who may be placed in the Statewide Community-Based Corrections System for State-Responsible Offenders established in § 53.1-67.2 et seq. of Title 53.1, (iii) the number of juveniles who may be placed in predispositional or postdispositional secure community placements; (iv) the number of juveniles who may be placed in predispositional or postdispositional non-secure community placements; and (v) the types of facilities needed to house the forecasted number of adult and juvenile offenders. The plan shall include measures to comply with the requirements of § 53.1-20 and shall specify (i) the estimated capital and operating costs associated with implementing the measures contained in the plan, (ii) a projected schedule for implementing such measures, (iii) the recommended methods of funding such measures, and (iv) the proposed location of any facilities for which funding is requested.

§ 9-170.1. Forecast of local-responsible adult-offender populations.

The Department shall prepare annually a statewide forecast of the number of adult offenders and pre-trial detainees expected to be committed to local correctional facilities or placed under the provisions of the Comprehensive Community Corrections Act for Local- Responsible Offenders (§ 53.1-180 et seq.) of Title 53.1 during the following ten-year period. The forecast shall be prepared in accordance with the procedures in § 53.1-19.1.

§ 53.1-19.1. Forecast of state-responsible adult-offender populations.

A. The Department shall prepare annually a statewide forecast of the number of adult offenders expected to be committed to the state correctional system during the following ten-year period. The forecast shall be initially developed by a technical advisory group comprised of representatives from the Departments of Planning and Budget, Corrections, Youth and Family Services, and Criminal Justice Services; Virginia Criminal Sentencing Commission; Joint Legislative Audit and Review Commission; Commission on Youth; and such experts as may be designated by the Secretary of Public Safety from the fields of criminal justice statistics and forecasting, systems modeling, and other related fields of study as may be necessary. A representative of the Department of Planning and Budget shall act as chairman of the technical advisory group.

B. Using such forecast methodologies as it deems appropriate and statistically valid, the technical advisory group shall develop at least three alternative forecasts, which shall be presented to a policy advisory committee not later than September 1 of each year. From these alternatives, the policy advisory committee shall select a forecast, or combination of alternative forecasts, which, based on statistical

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60 validity, historical perspective, recent statutory changes, and trends in services, funding, and judicial
61 practice, constitutes the policy advisory committee's best estimate of the number of offenders expected to
62 be committed to the state correctional system during the following ten-year period.

63 C. The policy advisory committee shall include, but not be limited to, the Secretary of Public Safety;
64 the Chairman of the Virginia Parole Board; the Superintendent of State Police; the Directors of the
65 Department of Corrections, Youth and Family Services, and Criminal Justice Services; the Executive
66 Secretary of the Supreme Court; the Executive Director of the Virginia Criminal Sentencing
67 Commission; and the Executive Director of the Public Defender Commission. The policy advisory
68 committee shall also include: (i) to be appointed by the Secretary of Public Safety on the
69 recommendation of their respective associations, one attorney for the Commonwealth, one sheriff, and
70 one chief of police, and three representatives of local government who serve on a local or regional
71 community criminal justice board or juvenile group home or detention commission, and (ii) to be
72 appointed by the Chief Justice of the Virginia Supreme Court, one judge each from a circuit, general
73 district, and juvenile and domestic relations court. The Secretary of Public Safety shall serve as
74 chairman of the policy advisory committee.

75 § 66-3.1. Forecast of juvenile offender populations.

76 The Department shall prepare annually a statewide forecast of the number of juveniles expected to
77 be committed to the custody of the Department during the following ten-year period. The forecast shall
78 be prepared in accordance with the procedures in § 53.1-19.1.