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HOUSE BILL NO. 1335

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 10, 1996)

(Patron Prior to Substitute—Delegate Croshaw)

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 offender populations.

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, developed pursuant to §§ 9-170.1, 53.1-19.1, and 66-3.1, 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. Governor to submit plan for correctional needs.

Not later than the second Wednesday of each January, the Governor shall submit a statement to the presiding officers of each house of the General Assembly which sets forth a plan to accommodate the projected population of state adult and juvenile offenders forecasted the previous November 1, pursuant to § 2.1-51.6:5, to be committed to the Departments of Corrections and 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 security 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 Article 6 (§ 53.1-67.2 et seq.) of Chapter 2 of Title 53.1, and (iii) the number of juveniles who may be placed in post-dispositional secure and nonsecure community placements. The plan shall also 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, and (iii) the recommended methods of funding such measures.

§ 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 two alternative forecasts, which shall be presented to a policy advisory committee to include, but not be limited to, the Secretary of Public Safety; the Chairman of the Virginia Parole Board; the Superintendent of State Police; the Directors of the Departments of Corrections, Youth and Family Services, and Criminal Justice Services; the Executive Secretary of the Supreme Court; the Executive Director of the Virginia Criminal Sentencing Commission; and the Executive Director of the Public Defender Commission. The policy advisory committee shall also include: (i) to be appointed by the Secretary of Public Safety on the recommendation of their respective associations, one attorney for the Commonwealth, one sheriff, and one chief of police, and three

60 *representatives of local government who serve on a local or regional community criminal justice board*
61 *or juvenile group home or detention commission, and (ii) to be appointed by the Chief Justice of the*
62 *Virginia Supreme Court, one judge each from a circuit, general district, and juvenile and domestic*
63 *relations court. The Secretary of Public Safety shall serve as chairman of the policy advisory committee.*

64 *C. The policy advisory committee shall review each alternative forecast developed by the technical*
65 *advisory group based upon statistical validity, historical perspective, recent statutory changes, and*
66 *trends in arrest and conviction data, judicial practice, and other factors which in the committee's*
67 *judgment may affect the projected number of offenders committed to the Department. The committee may*
68 *select one of the alternative forecasts or some combination of alternative forecasts or request the*
69 *technical advisory group to develop additional alternative forecasts. Not later than October 15 of each*
70 *year, the committee shall recommend a final forecast of state-responsible adult-offenders to the*
71 *Governor.*

72 *§ 66-3.1. Forecast of juvenile offender populations.*

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