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SENATE BILL NO. 164

Senate Amendments in [] — January 26, 1996

A *BILL to amend and reenact §§ 16.1-309.2, 16.1-309.3, 16.1-309.4, 16.1-309.6, and 16.1-309.8 of the Code of Virginia, relating to the Virginia Juvenile Community Crime Control Act.*

Patrons—Earley, Houck, Miller, Y.B., Norment, Reasor, Stolle and Woods; Delegates: Baker, Bloxom, Cantor, Darner, Deeds, Jackson, Jones, J.C., Melvin, Moran and Rhodes

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§16.1-309.2, 16.1-309.3, 16.1-309.4, 16.1-309.6, and 16.1-309.8 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-309.2 (Effective January 1, 1996) 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 *intake on complaints* or the court on petitions alleging that the juvenile is a child in need of services, child in need of supervision, or delinquent, 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 *intake on a complaint* or the court on a petition alleging a child is in need of services, in need of supervision or delinquent.

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 *intake on a complaint* or the court on petitions alleging status or delinquent offenses.

§ 16.1-309.3 (Effective January 1, 1996) 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, *but are not limited to*, diversion, *community service*, restitution, house arrest, intensive juvenile supervision, substance abuse assessment and testing, *first-time offender programs*, 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 *intake on complaints* or the court on petitions alleging that the juvenile is delinquent, in need of services or in need of supervision [*but shall not include secure detention for the purposes of this article*]. 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

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shall 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 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. The State Board shall solicit written comments on the plan from the judge or judges of the juvenile and domestic relations court and the director of the court services unit. Prior to the initiation of any new services, the plan shall also include a cost comparison for the private operation of such services.

E. Each locality shall report quarterly to the Director the number of child-care days registered during the preceding quarter by each juvenile correctional program or facility operated within such locality's plan.

§ 16.1-309.4 (Effective January 1, 1996) Statewide plan for juvenile services.

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

§ 16.1-309.6 (Effective January 1, 1996) How state appropriations for operating costs of Juvenile Community Crime Control Act programs determined; notice of financial aid.

The Governor's proposed biennial budget shall include, for each fiscal year, an appropriation for operating costs for Juvenile Community Crime Control Act programs. The proposed appropriation shall include amounts for compensating counties, cities and combinations thereof which elect to establish a system of community-based services pursuant to this article. ~~No~~ *Upon approval pursuant to the provisions of this article, any county, city or combination thereof approved under the provisions of this article, which utilized predispositional or postdispositional block grant services or programs in fiscal year 1995, may shall contribute less funding for the implementation of its local plan than was contributed in fiscal year 1995, beginning in fiscal year 1996, an amount equal to the sum of its fiscal year 1995 expenditures for predispositional and postdispositional block grant alternatives to secure detention for implementation of its local plan. Such amount shall not include any expenditures in fiscal year 1995 for secure detention.*

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

§ 16.1-309.8 (Effective January 1, 1996) 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 *less any state aid provided to the county, city, or combination thereof operating such program pursuant to the provisions of this article.*