VIRGINIA ACTS OF ASSEMBLY -- 1997 RECONVENED SESSION

CHAPTER 894

An Act to amend and reenact §§ 22.1-344, 53.1-10 and 66-13 of the Code of Virginia, relating to criminal statistics reporting.

[H 2671]

Approved April 2, 1997

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-344, 53.1-10 and 66-13 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-344. Appointment of Superintendent of Correctional Education; powers and duties.

A. The Governor shall appoint, subject to confirmation by the General Assembly, the Superintendent of the Department of Correctional Education, who shall meet the minimum standards for division superintendents set by the Board of Education. The Superintendent shall supervise the administration of the Department of Correctional Education, and prepare, approve, and submit all requests for appropriations and be responsible for all expenditures pursuant to appropriations. The Superintendent shall also employ teachers and place them in appropriate schools. The Superintendent shall also develop and implement a literacy program for inmates in correctional facilities. Other powers and duties of the Superintendent of Correctional Education shall be fixed by the Board of Education in accordance with law.

B. The Superintendent shall provide for the participation of a representative of the Department of Correctional Education in the development and implementation of reenrollment plans for students of compulsory school attendance age, or students with disabilities who have been identified as eligible for special education services pursuant to § 22.1-213, and who are discharged from juvenile correctional centers, pursuant to § 22.1-343, and as provided in § 16.1-293. The Superintendent shall provide for the transfer of student scholastic records of a student who has been discharged from a juvenile correctional center of the Department of Juvenile Justice to the relevant school division in which the student shall be enrolled, in accordance with subsection E of § 22.1-289.

C. The Superintendent shall collect data pertaining to the demographic characteristics of pupils enrolled in the schools at correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such pupils; their educational level upon entry into and upon discharge from the correctional institution, and the types of and extent to which learning disabilities are prevalent among such pupils; and the number of persons participating in the Literacy Incentive Program and on waiting lists for such educational programs. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Superintendent to the Governor and the General Assembly at each regular session of the General Assembly thereafter.

§ 53.1-10. Powers and duties of Director.

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;

2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;

3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 10 (§ 2.1-110 et seq.) of Title 2.1, and within the limits of appropriations made therefor by the General Assembly;

4. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of water or wastewater treatment services or both as necessary for the expansion or construction of correctional facilities, consistent with applicable standards and goals of the Board;

5. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Director shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable, consistent with applicable standards and goals of the Board; and

6. To serve on the Virginia Correctional Enterprises Advisory Board established pursuant to § 2.1-451.2.*; and*

7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the

race or ethnicity, age, and gender of such persons, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter.

§ 66-13. Authority of Department as to juveniles committed to it; establishment of facilities; arrangements for temporary care.

A. The Department is authorized and empowered to receive juveniles committed to it by the courts of the Commonwealth. The Department shall establish, staff and maintain facilities for the rehabilitation, training and confinement of such juveniles. The Department may make arrangements with satisfactory persons, institutions or agencies, or with cities or counties maintaining places of detention for juveniles, for the temporary care of such juveniles.

B. In accordance with the Juvenile Corrections Private Management Act, Chapter 2.1 (§ 66-25.3 et seq.) of ~~Title 66~~ *this title*, the Department may establish, or contract with private entities, political subdivisions or commissions, to establish juvenile boot camps. The Board shall prescribe standards for the development, implementation and operation of the boot camps with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline and no less than six months of intensive aftercare. The Department of Correctional Education shall establish, staff, and maintain educational programs for such juveniles in accordance with Chapter 18 (§ 22.1-339 et seq.) of Title 22.1. A contract to expend state funds to establish a facility for a juvenile boot camp shall not be executed by the Department unless an appropriation has been expressly approved as is otherwise provided by law.

C. The Department may by mutual agreement with a locality or localities and, pursuant to standards promulgated pursuant to § 16.1-309.9, establish detention homes for use by a locality or localities for pre-trial and post-dispositional detention pursuant to §§ 16.1-248.1 and 16.1-284.1. The Department may collect by mutual agreement with a locality or localities and from any locality of this Commonwealth from which a juvenile is placed in such a detention home, the reasonable cost of maintaining such juvenile in such facility and a portion of the cost of construction of such facility. Such agreements shall be subject to approval by the General Assembly in the general appropriation act.

D. The Department shall collect data pertaining to the demographic characteristics of juveniles incarcerated in state juvenile correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter.