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HOUSE BILL NO. 621

House Amendments in [] — February 11, 1998

A BILL to amend and reenact §§ 53.1-182.1 and 53.1-183 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 27 of Title 9 an article numbered 1.7, consisting of sections numbered 9-173.21 through [~~9-173.28~~ 9-173.27], relating to the establishment of the Batterer Intervention [~~Certification and Monitoring~~] Program.

Patrons—Woodrum, Melvin, Puller and Watts

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-182.1 and 53.1-183 of the Code of Virginia are amended and reenacted and that the Code Virginia is amended by adding in Chapter 27 of Title 9 an article numbered 1.7, consisting of sections numbered 9-173.21 through [~~9-173.28~~ 9-173.27] as follows:

Article 1.7.

Batterer Intervention [; ~~Certification, and Monitoring~~] Program.

§ 9-173.21. Established.

There is hereby established the Batterer Intervention [~~Certification and Monitoring~~] Program, hereinafter referred to as the Program. The Program shall be administered by the Department of Criminal Justice Services.

§ 9-173.22. Advisory Committee on Batterer Intervention established; appointment; terms; vacancies; election of chairperson.

The Board of Criminal Justice Services shall establish an Advisory Committee to the Batterer Intervention [~~Certification and Monitoring~~] Program. The Advisory Committee shall be composed of twenty-four members. The first members of the Advisory Committee shall be members who serve on the Commission on Family Violence Prevention's Batterer Intervention Task Group as of January 1, 1998. Of the members serving as of January 1, 1998, eight shall serve for one year, eight shall serve for two years and eight shall serve for three years. Thereafter, all appointments shall be for terms of three years.

The membership of the Advisory Committee shall include persons who have training, experience or special knowledge concerning domestic violence, techniques of batterer intervention or the administration of offender supervision and be appointed by the Board. The appointees shall include three persons from a center/shelter which provides services to family violence victims and their children selected from among names submitted by Virginians Against Domestic Violence (VADV); three persons with expertise in the treatment of batterers selected from among names submitted by the Coalition for the Treatment of Abusive Behaviors (CTAB); one member of the Virginia Commission on Family Violence Prevention selected from names submitted by the chair of the Commission; one attorney for the Commonwealth selected from among names submitted by the Association for Commonwealth's Attorneys; a certified/licensed addictions treatment professional; a member of the clinical staff of a community services board selected from among names submitted by the Virginia Association of Community Services Board; one public defender selected from among names submitted by the Public Defender Commission; one Department of Corrections designee specializing in adult probation and parole; one Department of Social Services designee; one Department of Mental Health, Mental Retardation and Substance Abuse Services designee; a law-enforcement professional selected from among names submitted by the Chiefs of Police Association or the Virginia State Sheriffs Association; a member of the Community Criminal Justice Association selected from among names submitted by the Association; a member of the Association of Community Criminal Justice Boards selected from among names submitted by the Association; a member of the Family Law Section of the Virginia State Bar to be selected from among names submitted by the Family Law Section; a member of the faculty at a Virginia public or private college or university who has expertise in family violence and research techniques; and one member representing a court services unit. The remaining members of the Advisory Committee shall be appointed by the Board in its discretion. Appointments to fill vacancies shall be for the unexpired term. No person shall be eligible to serve for more than [~~one successive term~~ two successive terms]. An appointment to fill a vacancy shall not be considered a full term.

The Advisory Committee shall elect its chairperson annually from among its membership. The Advisory Committee shall meet at least four times per year. The chairperson shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Advisory Committee.

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§ 9-173.23. Powers and duties of the Advisory Committee on Batterer Intervention.

The powers and duties of the Advisory Committee shall be as follows:

1. Develop and submit standards for the certification of batterer intervention programs to the Board;
2. Advise the Board on future revisions of the standards;
3. Advise the Board of recent research on batterer intervention programs, including new methods of intervention, and the effectiveness of batterer intervention programs;
4. Provide recommendations on the qualifications and selection of staff for the Program; and
5. Advise the Board on all matters relating to the Program and to make such recommendations as it may deem desirable.

§ 9-173.24. Powers and duties of Department.

The Department in administering the Program shall:

1. Promulgate regulations [to implement the Program] ;
2. [~~Certify~~ Develop standards and guidelines for] local batterer intervention programs and notify courts of programs [~~so certified~~ which meet such standards] ;
3. Form and supervise regional [~~certification~~] teams;
4. Monitor and evaluate local batterer intervention programs to ensure compliance with standards;
5. Provide training for [~~certified~~] programs;
6. Provide technical assistance to local batterer intervention programs;
7. Develop standard forms and other materials to be used in the [~~certification~~ training] , monitoring, evaluation and data collection activities of the Program and local batterer intervention programs;
8. Solicit comment from victims of family violence and their families;
9. Assist with data collection, interpretation and evaluation;
10. Serve as a clearinghouse for information and research on the topic of batterer intervention; and
11. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9-173.25. Program staff; duties.

The Board, upon consideration of the recommendations of the Advisory Committee, shall employ staff to carry out the duties of the Program. The staff shall perform all duties and responsibilities assigned by the Board and carry out the duties and objectives of the Program.

§ 9-173.26. Immunity.

[~~Program staff, whether compensated or not, shall not be liable for any civil damages for acts or omissions resulting from the performance of their duties except for gross negligence or willful misconduct.~~ Staff of local batterer intervention programs which meet the standards of the Program shall be subject to personal liability while acting within the scope of their duties only for gross negligence or intentional misconduct.]

§ 9-173.27. Confidentiality of records and information.

[~~Program staff shall not disclose the content of any document or record to which they might become privy, which is required by law to be kept confidential except upon order of a court of competent jurisdiction.~~ Staff of the local batterer intervention programs and staff of the Program shall not disclose the contents of any document or record to which he might become privy, which is otherwise confidential pursuant to the provisions of state law, except upon order of a court of competent jurisdiction.]

[~~§ 9-173.28. Cooperation of state and local entities.~~

~~All state and local departments, agencies, authorities, and institutions shall cooperate with the Department and program staff and with each local certified batterer intervention program to facilitate the implementation of batterer intervention.]~~

§ 53.1-182.1. Mandated services; optional programs.

Any city, county or combination thereof which elects or is required to establish a community corrections program pursuant to this article shall provide to the judicial system the following programs and services: community service; home incarceration with or without electronic monitoring; electronic monitoring; probation supervision; evaluation, referral and supervision services for individuals the court has ordered to participate in batterer intervention programs; and substance abuse assessment, testing and treatment. Additional programs, facilities and services, including, but not limited to, jail farms, pre-release facilities, work release facilities, and public inebriate diversion programs, may be established by the city, county or combination thereof.

§ 53.1-183. Community criminal justice boards.

Each county or city or combination thereof developing and establishing a community corrections program pursuant to the provisions of this article shall establish a community criminal justice board. Each county and city participating in a community corrections program shall be represented on the community criminal justice board. In the event that one county or city appropriates funds to the program as part of a multijurisdictional effort, any other participating county or city shall be considered to be participating in a program if such locality appropriates funds to the program. Appointments to the board

122 shall be made by each local governing body. In cases of multijurisdictional participation, unless
123 otherwise agreed upon, each participating city or county shall have an equal number of appointments.
124 Boards shall be limited to fifteen members, except in cases of multijurisdictional boards which shall be
125 limited to twenty members. Each board shall include the following: a judge of the general district court;
126 a circuit court judge; a juvenile and domestic relations district court judge; a chief magistrate; one chief
127 of police or the sheriff in a jurisdiction not served by a police department to represent law enforcement;
128 an attorney for the Commonwealth; a public defender or an attorney who is experienced in the defense
129 of criminal matters; a sheriff or the regional jail administrator responsible for jails serving those
130 jurisdictions involved in the community-based corrections program; a local educator; ~~and~~ a community
131 services board administrator; *and a victim [~~services provider~~ advocate]* .

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