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HOUSE BILL NO. 711

Offered January 23, 1998

A BILL to amend and reenact § 16.1-284.1 of the Code of Virginia, relating to placement of juveniles in secure facilities.

Patron—Dillard

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-284.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-284.1. Placement in secure local facility.

A. If a juvenile fourteen years of age or older is found to have committed an offense which if committed by an adult would be punishable by confinement in a state or local correctional facility as defined in § 53.1-1, and the court determines (i) ~~that the juvenile has not previously been found guilty of a delinquent act within the preceding twelve months,~~ ~~(ii)~~ that the interests of the juvenile and the community require that the juvenile be placed under legal restraint or discipline~~,~~ and ~~(iii)~~*(ii)* that other placements authorized by this title will not serve the best interests of the juvenile, then the court may order the juvenile confined in a detention home or other secure facility for juveniles for a period not to exceed thirty calendar days from the date the order is entered, inclusive of time served in a detention home or other secure facility, for a single offense or multiple offenses.

B. If a juvenile fourteen years of age or older is found to have committed an offense which if committed by an adult would be punishable by confinement in a state or local correctional facility as defined in § 53.1-1, and the court determines (i) after receipt of a social history compiled within the immediately preceding twelve months pursuant to § 16.1-273 that the juvenile ~~has been adjudged a delinquent within the immediately preceding twelve months and~~ has failed to respond to past treatment efforts, *which may include probation services*, (ii) that the juvenile is amenable to continued treatment efforts ~~in the community~~, and (iii) the interests of the community and the juvenile require that the juvenile be placed under legal restraint or discipline, based on the nature of the present offense, the nature of ~~the juvenile's~~*any* prior delinquency record, and the nature of the past treatment efforts, then the court may order the juvenile committed to the Department, but suspend such commitment and order the juvenile confined in a detention home or other secure facility for juveniles for a period not to exceed six months, ~~inclusive of time served in detention while awaiting disposition,~~ for a single offense or for multiple offenses. In suspending the commitment to the Department as provided for in this subsection, the court shall specify conditions for the juvenile's participation in one or more ~~community~~ treatment programs as may be appropriate for the juvenile's rehabilitation.

C. During any period of confinement ordered pursuant to this section, ~~the court shall conduct a mandatory review hearing at least once during each thirty days of the period of confinement and at such other times upon the request of the juvenile's probation officer, for good cause shown. If it appears at such hearing that the purpose of the order of confinement has been achieved, the juvenile shall be released on probation for such period and under such conditions as the court may specify and remain subject to the order suspending commitment to the State Department of Juvenile Justice. If the court determines at the first or any subsequent review hearing that the juvenile is consistently failing to comply with the conditions specified by the court or the policies and program requirements of the facility, then the court shall order that the juvenile either be (i) released under such conditions as the court may specify subject to the suspended commitment or (ii) committed to the State Department of Juvenile Justice pursuant to § 16.1-291~~ *a review hearing may be held upon the request of the parent, juvenile, probation officer, attorney for the juvenile or a representative of the place of confinement.* If the court determines at ~~the first or any subsequent~~ *any* review hearing that the juvenile is not actively involved in any ~~community~~ treatment program through no fault of his own, then the court shall order that the juvenile be released under such conditions as the court may specify subject to the suspended commitment.

D. A juvenile may only be ordered confined pursuant to this section to a facility in compliance with standards established by the State Board for such placements. Standards for these facilities shall have regard for reasonable utilization of these facilities and the requirements of § 16.1-309.4, consistent with the intent of this section.

E. The Department of Juvenile Justice shall assist the localities or combinations thereof in implementing this section consistent with the statewide plan required by § 16.1-309.4 and pursuant to standards promulgated by the State Board, in order to ensure the availability and reasonable access of

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each court to the facilities the use of which is authorized by this section.

F. Each juvenile confined pursuant to this section shall earn a one-day reduction in the length of his sentence for each seven days of confinement where his conduct does not violate the written rules and regulations of the facility.