

1999 SESSION

INTRODUCED

993761351

HOUSE JOINT RESOLUTION NO. 680

Offered January 21, 1999

Requesting the Virginia State Bar to study the adjudication of the insanity defense in juvenile delinquency proceedings.

Patrons—McEachin; Senator: Gartlan

Referred to Committee for Courts of Justice

WHEREAS, Virginia Code § 19.2-167 establishes that an adult must have been sane at the time of the offense alleged against him to stand trial for that offense; and

WHEREAS, the Code, however, does not provide for a juvenile's right to be found sane enough to stand trial or for standards of adjudicating insanity in juvenile delinquency proceedings; and

WHEREAS, no clear guidelines exist in the mental health field to address sanity standards for juveniles; and

WHEREAS, the Commonwealth lacks clear procedures and protocols for the placement and effective treatment of juveniles found to be unable to stand trial as a result of insanity; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Bar be requested to recommend a standard for the determination of sanity of juveniles in delinquency proceedings. The Virginia State Bar shall examine the state's policies, procedures, and services applicable to these issues with a goal of developing statutory guidance and the mechanisms to implement a new law. An advisory task force shall be established to assist the Bar in its work. Membership on the Advisory Task Force shall include juvenile and domestic relations district court judges, and one representative of each of the following organizations: the Virginia Association of Defense Attorneys, the Institute on Law, Psychiatry, and Public Policy, the Commonwealth's Attorneys Services Council, the Department of Juvenile Justice, the Department of Mental Health, Mental Retardation, and Substance Abuse Services, and the Virginia Association of Community Services Boards.

All agencies of the Commonwealth shall provide assistance to the Bar for this study, upon request.

The Bar shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

INTRODUCED

HJ680