

10103595D

HOUSE BILL NO. 736

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact § 63.2-1530 of the Code of Virginia, relating to the Virginia Child Protection Accountability System.

Patron—Albo

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1530 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1530. Virginia Child Protection Accountability System.

A. The Virginia Child Protection Accountability System (the System) is created to collect and make available to the public information on the response to reported cases of child abuse and neglect in the Commonwealth. The Department shall establish and maintain the System. The Board shall promulgate regulations to implement the provisions of this section.

For the purposes of this section, "child abuse and neglect" or "abuse and neglect of a child" shall include any violation of §§ 18.2-48, 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-355, 18.2-361, 18.2-366, 18.2-370 through 18.2-370.2, 18.2-371, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-387, and 40.1-103.

B. The following information shall, notwithstanding any state law regarding privacy or confidentiality of records, be included in the System and made available to the public via a website maintained by the Department and in print format:

1. From the Department: (i) the total number of complaints alleging child abuse, neglect, or a combination thereof received; (ii) the total number of complaints deemed valid pursuant to § 63.2-1508; (iii) the total number of complaints investigated by the Department pursuant to subsection I of §§ 63.2-1503 and § 63.2-1505; (iv) the total number of cases determined to be founded cases of abuse or neglect; and (v) the total number of cases resulting in a finding that the complaint was founded resulting in administrative appeal. Information reported pursuant to clause (v) ~~above~~ shall be reported by total number of appeals to the local department, total number of appeals to the Department, and total number of appeals by outcome of the appeal. For each category of information required by this subdivision, the Department shall also report the total number of cases by type of abuse; by gender, age, and race of the alleged victim; and by the nature of the relationship between the alleged victim and alleged abuser.

2. From every law-enforcement agency, as defined in § 32.1-46.08, in the Commonwealth: (i) the total number of reports of child abuse and neglect reported to the agency by the Department pursuant to § 63.2-1503, (ii) the total number of cases reported to the agency by the Department in which a search warrant was authorized, (iii) the total number of cases reported to the agency by the Department in which an arrest was made, and (iv) the total number of cases reported to the agency by the Department that were referred to the attorney for the Commonwealth for the city or county. For each case required to be reported to the Department pursuant to this subdivision, the agency shall also report the type of violation alleged; the gender, age, and race of the alleged victim; and the nature of the relationship between the alleged victim and alleged abuser. Information required to be reported in this subdivision shall be collected by each local law-enforcement agency and reported to the Superintendent of the Department of State Police, who shall cause such data to be reported in aggregate to the Department for inclusion in the System.

3. From every circuit court in the Commonwealth for which data is available through the statewide Case Management System: (i) the total number of (a) misdemeanor convictions appealed from the district court to the circuit court, (b) felony charges certified from the district court to the circuit court, (c) delinquency cases transferred from the district court to the circuit court, (d) charges brought by direct indictment in the circuit court, and (e) civil cases appealed from a district court to the circuit court that involve alleged abuse and neglect of a child, by party initiating the appeal; (ii) the total number of cases appealed, certified, or transferred to the court or brought by direct indictment in the circuit court involving alleged abuse or neglect of a child that result in a trial, including the number of bench trials and the number of jury trials; (iii) the total number of trials involving alleged abuse or neglect of a child resulting in (a) a plea agreement, (b) transfer to another court, (c) a finding of not guilty, (d) conviction on a lesser included offense, and (e) conviction on all charges, by type of trial; and (iv) the total number of trials involving alleged abuse or neglect of a child resulting a plea

INTRODUCED

HB736

59 *agreement or a conviction in which the actual sentence imposed departed from the sentence*
60 *recommended by the sentencing guidelines developed by the Virginia Criminal Sentencing Commission,*
61 *including the total number of cases in which the actual sentence was an upward departure from the*
62 *recommended sentence and the total number of cases in which the departure was a downward departure*
63 *from the recommended sentence. For each case required to be reported to the Department pursuant to*
64 *this subdivision, the agency shall also report the type of violation alleged; the gender, age, and race of*
65 *the alleged victim; and the nature of the relationship between the alleged victim and alleged abuser.*
66 *Information required to be reported pursuant to this subdivision shall be aggregated by county.*

67 C. Data collected pursuant to subsection B shall be made available to the public on a website
68 established and maintained by the Department and shall also be made readily available to the public in
69 print format. Information included in the System shall be presented in such a manner that no individual
70 identifying information shall be included.