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HOUSE BILL NO. 4032

Offered July 19, 2019

A BILL to amend the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 28, consisting of sections numbered 2.2-2496 and 2.2-2497, and by adding in Chapter 1 of Title 9.1 an article numbered 14, consisting of sections numbered 9.1-191 through 9.1-195, relating to group violence intervention programs.

Patron—Gilbert

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 24 of Title 2.2 an article numbered 28, consisting of sections numbered 2.2-2496 and 2.2-2497, and by adding in Chapter 1 of Title 9.1 an article numbered 14, consisting of sections numbered 9.1-191 through 9.1-195, as follows:

*Article 28.**Group Violence Intervention Board.*

§ 2.2-2496. Group Violence Intervention Board; purpose; membership; terms; compensation and expenses; staff.

A. The Group Violence Intervention Board (the Board) is established as a policy board, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Board is to coordinate and assist in federal, state, and local group violence intervention efforts.

B. The Board shall consist of five nonlegislative citizen members appointed as follows: one member to be appointed by the Speaker of the House of Delegates; one member to be appointed by the Senate Committee on Rules; and three members to be appointed by the Governor and subject to confirmation by the General Assembly, of whom one shall be appointed upon consideration of a list of three persons provided to the Governor by the Virginia Sheriffs' Association, if any, and one shall be appointed upon consideration of a list of three persons provided to the Governor by the Virginia Association of Chiefs of Police, if any. Nonlegislative citizen members of the Board shall be citizens of the Commonwealth.

The United States Attorney for the Eastern District of Virginia and the United States Attorney for the Western District of Virginia, or their designees, may be requested by the Board to serve as ex officio members with nonvoting privileges.

C. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. No shall serve more than two consecutive four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

D. The Board shall elect a chairman and vice-chairman and may elect such other officers as the Board deems proper from among its membership. The Board shall meet quarterly or upon the call of the chairman. A majority of the members of the Board shall constitute a quorum.

E. Any decision of the Board shall require an affirmative vote of a majority of the members of the Board.

F. Members shall receive compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Criminal Justice Services.

G. The Department of Criminal Justice Services shall provide staff support to the Board. All agencies of the Commonwealth shall provide assistance to the Board, upon request

§ 2.2-2497. Powers and duties of the Board.

The Board shall have the power and duty to:

1. Apply for, receive, and issue grants from the federal Project Safe Neighborhoods Block Grant Program, P.L. 115-185 (2018);

2. Establish guidelines for the issuance of grants from the Project Ceasefire Grant Fund pursuant to § 9.1-194 and the Project Exit Grant Fund pursuant to § 9.1-195;

3. Establish a liaison with federal law-enforcement authorities for the purposes of sharing information and coordinating group violence intervention efforts being undertaken at the federal, state, and local level;

4. Submit an annual report to the Governor and the General Assembly for publication as a report

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59 document as provided in the procedures of the Division of Legislative Automated Systems for the
60 processing of legislative documents and reports. The chairman of the Board shall submit to the
61 Governor and the General Assembly an annual executive summary of the interim activity and work of
62 the Board no later than the first day of each regular session of the General Assembly. The executive
63 summary shall be submitted for publication as a report document as provided in the procedures of the
64 Division of Legislative Automated Systems for the processing of legislative documents and reports and
65 shall be posted on the General Assembly's website; and

66 5. Perform such other acts as may be necessary for the effective performance of its duties.

67 Article 14.

68 Division of Group Violence Intervention.

69 **§ 9.1-191. "Group violence intervention" defined.**

70 As used in this article, "group violence intervention" means comprehensive community-based
71 initiatives, substantially similar to Operation Ceasefire as implemented in Boston, Massachusetts and
72 documented by the National Institute of Justice, that are carried out by a partnership consisting of
73 members of law enforcement, community members, and social services providers and that are designed
74 to reduce street-group involved violence and homicide, minimize harm to communities by replacing
75 enforcement with deterrence where possible, and foster stronger relationships between members of law
76 enforcement and the communities they serve.

77 **§ 9.1-192. Division of Group Violence Intervention; Executive Director; duties.**

78 A. The Division of Group Violence Intervention (the Division) is hereby established within the
79 Department.

80 B. The Division shall be headed by an Executive Director who shall be appointed by and serve at
81 the pleasure of the Director of the Department. The Executive Director shall have the following general
82 powers:

83 1. To employ personnel and assistance necessary for the operation of the Division and the purposes
84 of this article;

85 2. To make and enter into all contracts and agreements necessary or incidental to the performance
86 of the duties of the Division and the execution of its powers under this article, including contracts with
87 the United States, other states, and agencies and governmental subdivisions of the Commonwealth;

88 3. To accept grants from the United States government and agencies and instrumentalities thereof
89 and any other source. To these ends, the Division shall have the power to comply with such conditions
90 and execute such agreements as may be necessary, convenient, or desirable; and

91 4. To do all acts necessary or convenient to carry out the purposes of this article.

92 C. The Executive Director shall employ at least one research analyst with expertise in group violence
93 intervention.

94 **§ 9.1-193. Powers and duties.**

95 The Division shall have the following powers and duties:

96 1. Organize, supervise, and perform functions consistent with this article;

97 2. Coordinate the efforts of state and local law-enforcement agencies, community members, and
98 social services providers to combat group violence;

99 3. Serve as a clearinghouse for research, best practices, and strategies that may be utilized in the
100 implementation, execution, and evaluation of group violence interventions;

101 4. Implement Project Safe Neighborhoods grant programs authorized by the Group Violence
102 Intervention Board pursuant to § 2.2-2497;

103 5. Administer the Project Ceasefire Grant Fund pursuant to § 9.1-194;

104 6. Administer the Project Exit Grant Fund pursuant to § 9.1-195; and

105 7. Perform such other acts as may be necessary for the effective performance of its duties.

106 **§ 9.1-194. Project Ceasefire Grant Fund.**

107 A. There is hereby created in the state treasury a special nonreverting fund to be known as the
108 Project Ceasefire Grant Fund, referred to in this section as "the Fund." The Fund shall be established
109 on the books of the Comptroller. All moneys appropriated by the General Assembly for the Fund, and
110 from any other sources, public or private, shall be paid into the state treasury and credited to the Fund.
111 Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys
112 remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the
113 general fund but shall remain in the Fund. Expenditures and disbursements from the Fund shall be
114 made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the
115 Executive Director of the Division.

116 B. Moneys in the Fund shall be used solely for the purposes of awarding grants on a competitive
117 basis to organizations such as state and local law-enforcement agencies, local attorneys for the
118 Commonwealth, localities, social services providers, and nonprofit organizations that are engaged in
119 group violence intervention efforts that are substantially similar to Operation Ceasefire as implemented
120 in Boston, Massachusetts and documented by the National Institute of Justice.

C. The Division shall establish an application process and criteria for awarding grants from the Fund, including procedures for determining the amount of a grant.

D. No more than 90 percent of moneys in the Fund shall be awarded or allocated in any fiscal year.

§ 9.1-195. Project Exit Grant Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Project Exit Grant Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly for the Fund, and from any other sources, public or private, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Division.

B. Moneys in the Fund shall be used solely for the purposes of awarding grants to localities, social services providers, or nonprofit organizations that assist former gang members or individuals attempting to leave gangs with mentoring services, employment opportunities, job training, educational opportunities such as GED classes or vocational training, housing assistance, tattoo removal, or any other services approved by the Division.

C. The Division shall establish an application process and criteria for awarding grants from the Fund, including procedures for determining the amount of a grant.

D. No more than 90 percent of moneys in the Fund shall be awarded or allocated in any fiscal year.

2. That the initial appointments of nonlegislative citizen members to the Group Violence Intervention Board shall be staggered as follows: one member appointed by the Speaker of the House of Delegates and one member appointed by the Governor for a term of two years; one member appointed by the Senate Committee on Rules and one member appointed by the Governor for a term of three years; and one member appointed by the Governor for a term of four years.

3. That the Group Violence Intervention Board shall take whatever actions necessary to obtain certification as the sole fiscal agent of the Commonwealth of Virginia for the U.S. Department of Justice's Project Safe Neighborhoods Block Grant Program and its successors.

4. § 1. From the certified surplus general fund revenues, there is hereby appropriated \$500,000 to the Department of Criminal Justice Services for the Project Ceasefire Grant Fund as established in § 9.1-194 of the Code of Virginia.

§ 2. The certification of the certified surplus general fund revenues shall be made by the State Comptroller as soon as practicable.

§ 3. For purposes of this enactment:

"Certified surplus general fund revenues" means general fund revenues deposited in the state treasury for the Commonwealth's fiscal year ending June 30, 2019, that are in excess of the sum of (i) the official general fund revenue forecast for such year pursuant to Chapter 854 of the Acts of Assembly of 2019, (ii) deposits required to be made to the Revenue Stabilization Fund in fiscal year 2020 pursuant to § 2.2-1829 of the Code of Virginia, (iii) deposits required to be made to the Revenue Reserve Fund in fiscal year 2020 pursuant to § 2.2-1831.3 of the Code of Virginia, (iv) deposits required to be made to the Virginia Water Quality Improvement Fund in fiscal year 2020 pursuant to § 10.1-2128 of the Code of Virginia, but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1 of the Code of Virginia, and (v) any revenues required to be transferred to the Taxpayer Relief Fund in fiscal year 2020 pursuant to the fifth enactments of Chapters 17 and 18 of the Acts of Assembly of 2019 and § 3-5.21 of Chapter 854 of the Acts of Assembly of 2019, as certified by the State Comptroller.

5. That there is hereby appropriated from the balance of the general fund in fiscal year 2020 the amount of \$1 million to the Department of Criminal Justice Services for the Project Ceasefire Grant Fund as established in § 9.1-194 of the Code of Virginia.

6. That there is hereby appropriated from the general fund in fiscal year 2021 the amount of \$1 million to the Department of Criminal Justice Services for the Project Ceasefire Grant Fund as established in § 9.1-194 of the Code of Virginia.

7. § 1. From the certified surplus general fund revenues, there is hereby appropriated \$250,000 to the Department of Criminal Justice Services for the Project Exit Grant Fund as established in § 9.1-195 of the Code of Virginia.

§ 2. The certification of the certified surplus general fund revenues shall be made by the State Comptroller as soon as practicable.

§ 3. For purposes of this enactment:

"Certified surplus general fund revenues" means general fund revenues deposited in the state treasury

182 for the Commonwealth's fiscal year ending June 30, 2019, that are in excess of the sum of (i) the
183 official general fund revenue forecast for such year pursuant to Chapter 854 of the Acts of Assembly of
184 2019, (ii) deposits required to be made to the Revenue Stabilization Fund in fiscal year 2020 pursuant to
185 § 2.2-1829 of the Code of Virginia, (iii) deposits required to be made to the Revenue Reserve Fund in
186 fiscal year 2020 pursuant to § 2.2-1831.3 of the Code of Virginia, (iv) deposits required to be made to
187 the Virginia Water Quality Improvement Fund in fiscal year 2020 pursuant to § 10.1-2128 of the Code
188 of Virginia, but excluding any deposits provided under the Virginia Natural Resources Commitment
189 Fund established under § 10.1-2128.1 of the Code of Virginia, and (v) any revenues required to be
190 transferred to the Taxpayer Relief Fund in fiscal year 2020 pursuant to the fifth enactments of Chapters
191 17 and 18 of the Acts of Assembly of 2019 and § 3-5.21 of Chapter 854 of the Acts of Assembly of
192 2019, as certified by the State Comptroller.

193 **8. That there is hereby appropriated from the balance of the general fund in fiscal year 2020 the**
194 **amount of \$500,000 to the Department of Criminal Justice Services for the Project Exit Grant**
195 **Fund as established in § 9.1-195 of the Code of Virginia.**

196 **9. That there is hereby appropriated from the general fund in fiscal year 2021 the amount of**
197 **\$500,000 to the Department of Criminal Justice Services for the Project Exit Grant Fund as**
198 **established in § 9.1-195 of the Code of Virginia.**