

SENATE BILL NO. 468

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services

on _____)

(Patron Prior to Substitute—Senator Marsden)

A BILL to amend and reenact §§ 16.1-309.4 and 16.1-322.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 13.1 of Chapter 11 of Title 16.1 a section numbered 16.1-322.4:1, relating to juvenile secure detention facilities; placement of juveniles referred from another locality; high-needs or high-risk juveniles; funding.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-309.4 and 16.1-322.1 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended by adding in Article 13.1 of Chapter 11 of Title 16.1 a section numbered 16.1-322.4:1 as follows:

§ 16.1-309.4. Statewide plan for juvenile services.

It shall be the duty of the Department of Juvenile Justice to devise, develop, and promulgate a statewide plan for the establishment and maintenance of a range of institutional and community-based, diversion, predispositional and postdispositional services to be reasonably accessible to each court. The Department shall be responsible for the collection and dissemination of the required court data necessary for the development of the plan. *Such statewide plan shall include (i) a plan for juvenile secure detention facilities in the Commonwealth, which shall designate the total number of facilities to be in operation in the Commonwealth, the location of each facility, the localities each facility shall serve, and the number of beds required for each facility and (ii) procedures for determining the appropriate placement of juveniles pursuant to the plan. In developing the plan for juvenile secure detention facilities pursuant to clauses (i) and (ii), the Department shall include the Virginia Municipal League, the Virginia Association of Counties, the Virginia Association of Commonwealth's Attorneys, the Virginia Sheriffs' Association, youth advocacy organizations, and any other stakeholders as may be appropriate. Such plan shall inform funding decisions related to juvenile secure detention facilities in the Commonwealth.* The plan shall utilize the information provided by local plans submitted under § 16.1-309.3. The plan shall be submitted to the Board on or before July 1 in odd-numbered years. The plan shall include a biennial forecast with appropriate annual updates as may be required of future juvenile correctional center and detention home needs.

§ 16.1-322.1. Apportionment of funds to localities or commissions operating juvenile secure detention facilities or programs; standards for apportionment.

The Department shall apportion among the localities or commissions operating a juvenile secure detention facility the moneys appropriated to the Department in the general appropriation act for the support of such facilities, excluding amounts approved for the state share of construction and rental of facilities, state ward per diem allowances, and payments for the United States Department of Agriculture lunch program. Such apportionment shall be made as follows:

The allocation shall be apportioned to provide each locality or commission operating a juvenile secure detention facility an allowance for salaries and expenses. Such allowance shall be at least equal to the amount of the allowance provided to each locality or commission for such salaries and expenses in the immediately preceding fiscal year for similar services. The Department may adjust such allowance, where applicable, for new programs and facilities or for discontinued programs and services.

The Department may designate up to three juvenile secure detention facilities to provide additional support and services to juveniles identified as high-needs or high-risk. The Department may increase the apportionment made in accordance with this section and provide any additional funding or resources to the localities or commissions operating such designated facilities.

The Department may reduce the apportionments made in accordance with this section from time to time if any facility fails to comply with Department policy or standards approved by the Board. In effecting such a reduction of funds, the Department shall not be required to comply with the provisions of Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2. Each locality or commission eligible to receive state funds apportioned under this section shall maintain operational and financial records which shall be open for evaluation by the Department and audit by the Auditor of Public Accounts.

The Governor may withhold approval for state expenditures, by reimbursement or otherwise, for the purposes set out in this section as provided in the current general appropriations act.

§ 16.1-322.4:1. Juvenile secure detention facilities; placement of juveniles referred from other localities; funding.

A. Any locality or commission operating a juvenile secure detention facility that receives state funds pursuant to § 16.1-322.1 shall accept the placement of any juvenile referred from another locality, unless accepting placement of such juvenile is not feasible due to security concerns or exigent circumstances related to staffing or other operational factors, including the availability of beds. Under no circumstances shall placement of a juvenile referred from another locality deprive a resident of the locality a bed in the juvenile secure detention facility where he resides. If any locality or commission refuses to accept the placement of

any such juvenile for any reason other than security concerns or exigent circumstances, the Department may reduce or cease the apportionment of any funds to the locality or commission pursuant to § 16.1-322.1, including any funds for facility operations and education programs.

B. When a locality or commission operating a juvenile secure detention facility accepts the placement of a juvenile referred from another locality as required by subsection A, (i) any medical expenses incurred on behalf of such juvenile shall be borne by the locality from which the juvenile was referred, unless otherwise agreed to by the locality referring such juvenile and the locality or commission accepting such juvenile; (ii) if an employee of the juvenile secure detention facility is injured in the course of his employment by any such juvenile, the locality from which such juvenile was referred shall be considered the employer for the purposes of the Virginia Workers' Compensation Act (§ 65.2-100 et seq.); (iii) any sheriff's departments that are impacted by the placement of a juvenile referred from another locality, including by additional travel requirements related to transporting juveniles, shall be compensated and funding for such sheriff's departments shall be prioritized; and (iv) the locality accepting such juvenile shall set daily costs for the placement of such juvenile in accordance with § 16.1-322.4.