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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993

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ENROLLED

HOUSE BILL No. 2691

(By Delegate s. Brown + Douglas)

— ● —

Passed April 9, 1993

In Effect Ninety Days From Passage

ENROLLED

H. B. 2691

(By DELEGATES BROWN AND DOUGLAS)

[Passed April 9, 1993; in effect ninety days from passage.]

AN ACT to amend and reenact section six-a, article five-a, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section seven, article five-b of said chapter, all relating to maintaining a unified state system of predispositional detention for juveniles; including the juvenile justice committee, the state board of education, detention center personnel, juvenile probation officers in those groups giving input for the plan; requiring the development of policy and program goals for secure licensed facilities; requiring identification of operational problems of secure detention centers, establishment of policies regarding overcrowding, security, violence, health needs, educational needs, transportation problems, staff problems and time limitations; requiring inclusion of statement of policies and goals regarding licensing, placement criteria, alternative placement, allocation of fiscal resources, information and referral services and educational regulations; requiring oversight by the legislative commission on juvenile law or their subcommittee and periodic review and updating of the plan; requiring the department of health and human resources to make a descriptive catalogue of its juvenile programs and services available to local communities; and requiring periodic updating of the catalogue.

Be it enacted by the Legislature of West Virginia:

That section six-a, article five-a, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section seven, article five-b of said chapter be amended and reenacted, all to read as follows:

ARTICLE 5A. JUVENILE REFEREE SYSTEM.

§49-5A-6a. State plan for predisposition detention of juveniles.

1 (a) The secretary of the department of health and
2 human resources and the legislative commission on
3 juvenile law shall develop a comprehensive plan to
4 maintain and improve a unified state system of predis-
5 positional detention for juveniles. The secretary and the
6 commission plan shall consider recommendations from
7 the division of corrections, the governor's committee on
8 crime, delinquency and correction, the juvenile justice
9 committee, the state board of education, detention center
10 personnel, juvenile probation officers of the department
11 of health and human resources and judicial and law-
12 enforcement officials from throughout the state.

13 The principal purpose of the plan shall be, through
14 statements of policy and program goals, to provide for
15 the effective and efficient use of juvenile detention
16 facilities licensed or operated by local units of govern-
17 ment and the state, including those operated regionally
18 by the department of health and human resources.

19 (b) The plan shall identify operational problems of
20 secure detention centers, including, but not limited to
21 overcrowding, security and violence within centers,
22 difficulties in moving juveniles through the centers
23 within required time periods, health needs, educational
24 needs, transportation problems, staff turnover and
25 morale and other perceived problem areas. The plan
26 shall further provide recommendations directed to
27 alleviate the problems.

28 (c) The plan shall include, but not be limited to,
29 statements of policies and goals in the following areas:

30 (1) Licensing of secure detention centers;

- 31 (2) Criteria for placing juveniles in detention;
32 (3) Alternatives to secure detention;
33 (4) Allocation of fiscal resources to the costs of secure
34 detention facilities;
35 (5) Information and referral services; and
36 (6) Educational regulations developed and approved
37 by the West Virginia board of education.
38 (d) The legislative commission on juvenile law, or a
39 designated subcommittee or task force thereof, shall act
40 in a continuing capacity as an oversight committee, and
41 shall assist the secretary of the department of health and
42 human resources in the periodic review and update of
43 the state plan for the predisposition detention of
44 juveniles.

**ARTICLE 5B. WEST VIRGINIA JUVENILE OFFENDER REHA-
BILITATION ACT.**

**§49-5B-7. Reporting requirements; cataloguing of
services.**

- 1 (a) The department of health and human resources
2 shall from time to time, but not less often than annually,
3 review its programs and services and submit a report
4 to the governor, the Legislature and the supreme court
5 of appeals, analyzing and evaluating the effectiveness of
6 the programs and services being carried out by the
7 department. Such report shall include, but not be
8 limited to, an analysis and evaluation of programs and
9 services continued, established and discontinued during
10 the period covered by the report, and shall further
11 describe programs and services which should be
12 implemented to further the purposes of this article.
13 Such report shall also include, but not be limited to,
14 relevant information concerning the number of children
15 comprising the population of any rehabilitative facility
16 during the period covered by the report, the length of
17 residence, the nature of the problems of each child, the
18 child's response to programs and services and such other
19 information as will enable a user of the report to
20 ascertain the effectiveness of the facility as a rehabil-
21 itative facility.

22 (b) The department of health and human resources
23 shall prepare a descriptive catalogue of its juvenile
24 programs and services available in local communities
25 throughout this state and shall distribute copies of the
26 same to every juvenile court in the state and, at the
27 direction of the juvenile court, such catalogue shall be
28 distributed to attorneys practicing before such court.
29 Such catalogue shall also be made available to members
30 of the general public upon request. The catalogue shall
31 contain sufficient information as to particular programs
32 and services so as to enable a user of the catalogue to
33 make inquiries and referrals. The catalogue shall be
34 constructed so as to meaningfully identify and describe
35 programs and services. The requirements of this section
36 are not satisfied by a simple listing of specific agencies
37 or the individuals in charge of programs at a given time.
38 The catalogue shall be updated and republished or
39 supplemented from time to time as may be required to
40 maintain its usefulness as a resource manual.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten Signature]
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Narrett E. Holmes
.....
Clerk of the Senate

Donald L. Yopp
.....
Clerk of the House of Delegates

Kurt S. Burnett
.....
President of the Senate

Bob Zell
.....
Speaker of the House of Delegates

The within *is approved* this the *12th*
day of *May* 1993.

Jason Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/28/93

Time 11:30 am