WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1993

ENROLLED

HOUSE BILL No. 2691

(By Delegate Brown and 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.

(a) The secretary of the department of health and human resources and the legislative commission on juvenile law shall develop a comprehensive plan to maintain and improve a unified state system of predispositional detention for juveniles. The secretary and the commission plan shall consider recommendations from the division of corrections, the governor’s committee on crime, delinquency and correction, the juvenile justice committee, the state board of education, detention center personnel, juvenile probation officers of the department of health and human resources and judicial and law-enforcement officials from throughout the state.

The principal purpose of the plan shall be, through statements of policy and program goals, to provide for the effective and efficient use of juvenile detention facilities licensed or operated by local units of government and the state, including those operated regionally by the department of health and human resources.

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

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

(1) Licensing of secure detention centers;
(2) Criteria for placing juveniles in detention;
(3) Alternatives to secure detention;
(4) Allocation of fiscal resources to the costs of secure detention facilities;
(5) Information and referral services; and
(6) Educational regulations developed and approved by the West Virginia board of education.

(d) The legislative commission on juvenile law, or a designated subcommittee or task force thereof, shall act in a continuing capacity as an oversight committee, and shall assist the secretary of the department of health and human resources in the periodic review and update of the state plan for the predisposition detention of juveniles.

ARTICLE 5B. WEST VIRGINIA JUVENILE OFFENDER REHABILITATION ACT.

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

(a) The department of health and human resources shall from time to time, but not less often than annually, review its programs and services and submit a report to the governor, the Legislature and the supreme court of appeals, analyzing and evaluating the effectiveness of the programs and services being carried out by the department. Such report shall include, but not be limited to, an analysis and evaluation of programs and services continued, established and discontinued during the period covered by the report, and shall further describe programs and services which should be implemented to further the purposes of this article. Such report shall also include, but not be limited to, relevant information concerning the number of children comprising the population of any rehabilitative facility during the period covered by the report, the length of residence, the nature of the problems of each child, the child's response to programs and services and such other information as will enable a user of the report to ascertain the effectiveness of the facility as a rehabilitative facility.
(b) The department of health and human resources shall prepare a descriptive catalogue of its juvenile programs and services available in local communities throughout this state and shall distribute copies of the same to every juvenile court in the state and, at the direction of the juvenile court, such catalogue shall be distributed to attorneys practicing before such court. Such catalogue shall also be made available to members of the general public upon request. The catalogue shall contain sufficient information as to particular programs and services so as to enable a user of the catalogue to make inquiries and referrals. The catalogue shall be constructed so as to meaningfully identify and describe programs and services. The requirements of this section are not satisfied by a simple listing of specific agencies or the individuals in charge of programs at a given time. The catalogue shall be updated and republished or supplemented from time to time as may be required to maintain its usefulness as a resource manual.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Donald J. Vopp
Clerk of the House of Delegates

President of the Senate

John J. Vanetti
Speaker of the House of Delegates

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

Governor

Jason Caperton