

SUBCOMMITTEE: SUBCOMMITTEE #1

HOUSE BILL NO. 2562

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Bell, Robert B.)

A BILL to amend and reenact § 16.1-273 of the Code of Virginia, relating to investigation of social history of juvenile; mental health examination.

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-273 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-273. Court may require investigation of social history and preparation of victim impact statement.

A. When a juvenile and domestic relations district court or circuit court has adjudicated any case involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of the game and fish law, or a violation of any city ordinance regulating surfing or establishing curfew violations, the court before final disposition thereof may require an investigation, which (i) shall include a drug screening and (ii) may, and for the purposes of subdivision A 14 or ~~A~~ 17 of § 16.1-278.8 shall, include a social history of the physical, mental, and social conditions, including an assessment of any affiliation with a criminal street gang as defined in § 18.2-46.1, and personality of the child and the facts and circumstances surrounding the violation of law. However, in the case of a juvenile adjudicated delinquent on the basis of an act committed on or after January 1, 2000, which would be a felony if committed by an adult, or a violation under Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and such offense would be punishable as a Class 1 or Class 2 misdemeanor if committed by an adult, the court shall order the juvenile to undergo a drug screening. If the drug screening indicates that the juvenile has a substance abuse or dependence problem, an assessment shall be completed by a certified substance abuse counselor as defined in § 54.1-3500 employed by the Department of Juvenile Justice or by a locally operated court services unit or by an individual employed by or currently

27 under contract to such agencies and who is specifically trained to conduct such assessments under the
28 supervision of such counselor. If the juvenile has been adjudicated delinquent of an offense listed in
29 subsection B or E of § 9.1-902, the investigation shall include an evaluation as provided in subsection C.

30 B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the
31 victim, or may in its discretion, require the preparation of a victim impact statement in accordance with
32 the provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant
33 physical, psychological, or economic injury as a result of the violation of law.

34 C. In addition to the requirements of subsection A, when a juvenile and domestic relations district
35 court or circuit court has adjudicated any juvenile delinquent of an offense listed in subsection B or E of
36 § 9.1-902, the trial judge may on his own initiative, or shall upon application of the attorney for the
37 Commonwealth, the defendant, or counsel for the defendant or other person acting for the defendant, order
38 that the juvenile be examined by at least one psychiatrist, clinical psychologist, licensed professional
39 counselor, licensed clinical social worker, or licensed marriage and family therapist, who has been
40 certified by the Commonwealth as a certified sex offender treatment provider as defined in § 54.1-3600
41 and qualified by experience and by specialized training approved by the Commissioner of Behavioral
42 Health and Developmental Services to perform such evaluations. The evaluation shall identify any
43 behavioral health conditions and treatment needs of the defendant which may place the defendant at risk
44 of sexual reoffending. If the court finds that the defendant requires hospitalization pursuant to § 16.1-275
45 or the Psychiatric Treatment of Minors Act (§ 16.1-335 et seq.) or if the defendant is already in the custody
46 of the Commissioner of Behavioral Health and Developmental Services pursuant to § 16.1-275 or the
47 Psychiatric Treatment of Minors Act (§ 16.1-335 et seq.), the court may order that the evaluation be
48 conducted on an inpatient basis concurrent with the current commitment. No juvenile sent to a state mental
49 hospital pursuant to this provision shall be held or cared for in any maximum security unit where adults
50 determined to be criminally insane reside; the juvenile shall be kept separate and apart from such adults.
51 However, the Commissioner of Behavioral Health and Developmental Services may place a juvenile who
52 has been certified to the circuit court for trial as an adult pursuant to § 16.1-269.6 or 16.1-270 or who has
53 been convicted as an adult of a felony in the circuit court in a unit appropriate for the care and treatment

54 of persons under a criminal charge when, in his discretion, such placement is necessary to protect the
55 security or safety of other patients, staff, or the public.

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