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HOUSE OF REPRESENTATIVES
COMMITTEE TO INVESTIGATE THE ADMINISTRATION OF JUSTICE
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

MEMORANDUM

By Dale S. Thompson

Date June 7, 1974

FILE: Governor's Justice Committee

On June 4, Mr. MARVIN RUUD, Deputy Administrator, LEAA, Philadelphia, advised that the only state in his region which has permanent legislation creating the State Planning Agency is Virginia. Information concerning this legislation can be obtained from RICHARD HARRIS, Division of Justice and Crime Prevention, Richmond, Virginia, telephone No. 804:770-7421.

On June 6, efforts to reach Mr. Harris were negative, but his Administrative Assistant, JEAN ROBERT, advised that the Division was created by legislation in 1969 or 1970 and that it was responsible for administering the State Planning Agency responsibilities in Virginia. She did not recall offhand the legislative citation, but she will put a copy in the mail immediately to me at the Committee's post office box in Harrisburg.

Mr. Ruud also suggested that contact be had with CHARLES A. LAUER, Deputy General Counsel of LEAA in Washington, D.C., telephone No. 202 386-3344, in order to have identified other states which have permanent legislation in establishing that state's SPA.

Mr. Lauer was not in and, in his absence, HELEN LESSIN advised that other states which she believed had permanent legislation were California, Kansas, Kentucky, Minnesota and Nebraska. She said her office did not have details of all this legislation, but she was able to advise that in the State of California, Assembly Bill 1306 was approved by the Governor on October 1, 1973. This created by statute the SPA in that state. The citation is Chapter 1047, Title 6.5, Part IV, entitled "Crime Prevention."



COMMONWEALTH OF VIRGINIA
OFFICE OF THE GOVERNOR

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RICHARD N. HARRIS
DIRECTOR
DIVISION OF JUSTICE AND
CRIME PREVENTION

TELEPHONE 804/770-7421
PARHAM PARK
8501 MAYLAND DRIVE
RICHMOND, VIRGINIA 23229

COUNCIL ON CRIMINAL JUSTICE

June 6, 1974

Harold W. Burgess, Chairman
Richmond

Julian F. Hirst, Vice-Chairman
Chesterfield County

Paul D. Brown
Arlington

Kenneth B. Buchanan
Glade Springs

Charles P. Chew
Richmond

W. B. Chittum
Lexington

W. O. Edwards
Richmond

J. Willard Greer
South Boston

William H. Hodges
Chesapeake

John B. Holihan
Alexandria

Richard J. Jamborsky
Fairfax

Robert H. Kirby
Richmond

William L. Lukhard
Richmond

Andrew P. Miller
Richmond

Stanley C. Walker
Norfolk

Sterling W. Walker
Norfolk

Lawrence Douglas Wilder
Richmond

Woodrow W. Wilkerson
Richmond

Mr. Dale Thompson
P. O. Box 3900
Harrisburg, Pennsylvania 17105

Dear Mr. Thompson:

Per our telephone conversation today, I am enclosing a copy of those sections of the Code of Virginia pertaining to the powers and duties of the Council on Criminal Justice and the Division of Justice and Crime Prevention. These provisions were enacted by the 1970 General Assembly.

I am also enclosing a copy of Senate Bill 479 enacted by the 1974 General Assembly amending these sections.

I hope this is of assistance to you. If we can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Jane F. Roberts
Jane F. Roberts
Executive Assistant

JFR:sc

Enclosures

CHAPTER 7.3.

DIVISION OF JUSTICE AND CRIME PREVENTION AND
COUNCIL ON CRIMINAL JUSTICE.

Sec.

2.1-64.23. Division created; appointment of Director; appointment and composition of Council; terms of members; expenses; chairman, vice-chairman and executive director of Council; responsibility for implementation and administration of federal programs, etc.

2.1-64.24. Powers and duties of Division and Council.

Sec.

2.1-64.25. Powers and duties of Director; other personnel.

2.1-64.26. Plans and data from planning districts, counties and cities.

2.1-64.27. Juvenile Delinquency Prevention and Control Advisory Committee.

2.1-64.28. Direct operational responsibilities in law enforcement not authorized.

§ 2.1-64.23. Division created; appointment of Director; appointment and composition of Council; terms of members; expenses; chairman, vice-chairman and executive director of Council; responsibility for implementation and administration of federal programs, etc. — There is hereby created the State Division of Justice and Crime Prevention, which shall be under the supervision and direction of the Governor, acting through the Commissioner of Administration, and shall be referred to hereafter as the Division. The Governor shall appoint a Director of the Division, who shall hold his position at the pleasure of the Governor and shall be paid such compensation as the Governor may fix.

The Governor shall also appoint a Council on Criminal Justice, hereafter referred to as the Council, consisting of eighteen members, six of whom shall be the Superintendent of the Department of State Police, the Superintendent of Public Instruction, the Director of the Department of Welfare and Institutions, the Director of the Division of State Planning and Community Affairs, the Director of the Probation and Parole Board, and the Attorney General of Virginia or a representative from the office of the Attorney General. The remaining twelve members shall be appointed as follows:

Initially four members shall be appointed for two-year terms, four members for three-year terms, and four members for four-year terms; and as such initial terms expire, and thereafter, all remaining twelve members shall be appointed for four-year terms. None of these twelve members shall be appointed to serve more than two full four-year terms. These twelve members shall be selected from among residents of this State who are representative of the broad categories of the State and local criminal justice system, State and local law enforcement, State and local government, including but not limited to, police officials, sheriffs, Commonwealth's attorneys, defense counsels, the judiciary, correctional and rehabilitative activities, juvenile delinquency prevention and control activities, and local and State elected and appointed administrative and legislative officials. Representatives may also be derived from the fields of education, science and technology, community relations, business and industry, law, religion, and the news media. Vacancies on the Council shall be filled for the unexpired term. Members of the Council shall receive no salaries but shall be paid their necessary traveling and other expenses incurred in the discharge of their duties. The Governor shall appoint the chairman of the Council and the Council shall designate one or more vice-chairmen from among its members, who shall serve at the pleasure of the Council. The Director shall serve as Executive Director of the Council and as an ex officio member of the Council.

The Council on Criminal Justice and the Division of Justice and Crime

Prevention are hereby designated as the supervisory board and the State planning and coordinating agency, respectively, responsible for the implementation and administration of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) and the Juvenile Delinquency Prevention and Control Act of 1968 (Public Law 90-445), as well as other federal programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control throughout the State, and shall continue the activities of and succeed the State Law-Enforcement Planning Council and the State Law-Enforcement Administration. (1970, c. 759.)

§ 2.1-64.24. Powers and duties of Division and Council. — The Division, under the direction of the Governor, shall have the following powers and duties:

(a) To develop a comprehensive statewide long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the State and to periodically update said plan.

(b) To encourage, stimulate, organize, develop, and conduct programs and activities throughout the State designed to strengthen and improve law enforcement and the administration of criminal justice in the Commonwealth.

(c) To define, develop, correlate, implement, and administer programs and projects for the State and for units of general local government, or combinations thereof, in the State, designed to strengthen and improve law enforcement and the administration of criminal justice throughout the State.

(d) To establish priorities for strengthening and improving law enforcement and the administration of criminal justice throughout the State.

(e) To coordinate the activities and programs of all State departments, agencies, boards, and institutions, and of the units of general local government, or combinations thereof, in the State, including counties, cities, towns, and planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice at every level.

(f) To cooperate with and advise and assist all State agencies, departments, boards and institutions, and units of general local government, or combinations thereof, in the State, including counties, cities, towns, and planning district commissions, in planning, developing, and conducting programs, projects, and activities for strengthening and improving law enforcement and the administration of criminal justice throughout the State, including allocating and subgranting funds for these purposes.

(g) To determine the benefits which may accrue to the State and its units of general local government, or combinations thereof, under the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968, and any amendments thereto, and to take full advantage of these federal acts and all federal acts and programs designed to strengthen and improve law enforcement and the administration of criminal justice throughout the State.

(h) To do all things necessary on behalf of the Commonwealth of Virginia and its units of general local government, or combinations thereof, to secure the full benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968 and any amendments thereto, and in so doing to cooperate with federal and State agencies, departments, and institutions, private and public agencies, interstate organizations, and individuals to effectuate the purposes of those acts, and any amendments thereto, and the purposes of this chapter.

(i) To receive, administer, and expend all funds and other assistance

available to the Division for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968, and any amendments thereto.

(j) To apply for and accept grants from the United States government and agencies and instrumentalities thereof and from any other source in carrying out the purposes of this chapter. To these ends, the Division shall have the power to comply with conditions and execute such agreements as may be necessary.

(k) To accept gifts, bequests, and any other thing to be used for carrying out the purposes of this chapter.

(l) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including, but not limited to, contracts with the United States, units of general local government, or combinations thereof, in the State, other states, and agencies and departments of the Commonwealth.

(m) To adopt and administer reasonable rules and regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the State and to units of general local government within the State, or combinations thereof, and for carrying out the purposes of this chapter and the powers and duties of the Division.

(n) To perform such other acts as may be necessary or convenient for the effective performance of its duties.

The Council on Criminal Justice shall determine policy and supervise the Division in the performance of its powers and duties and shall advise the Division specifically through the review and evaluation of programs and activities for strengthening and improving law enforcement and the administration of criminal justice of the State and of units of general local government within the State, or combinations thereof. (1970, c. 759.)

§ 2.1-64.25. Powers and duties of Director; other personnel. — The Director shall, under the direction and control of the Governor, acting through the Commissioner of Administration, exercise all powers and perform all duties imposed on him by law, and he shall perform such other duties as the Governor or Commissioner of Administration shall require of him.

In addition, the Director shall be charged with executive and administrative responsibility to (a) carry out the specific duties imposed on the Division under § 2.1-64.24 and (b) maintain appropriate liaison with federal, State and local agencies and units of Government, or combinations thereof, so that all programs and activities for strengthening and improving law enforcement and the administration of criminal justice may function effectively from national to local levels.

The Director is authorized to employ such personnel and to contract for such consulting services as may be required to carry out the purposes of this chapter. Personnel employed by the Director shall be subject to the provisions of chapter 10 (§ 2.1-110 et seq.) of Title 2.1 of the Code of Virginia. (1970, c. 759.)

§ 2.1-64.26. Plans and data from planning districts, counties and cities. — Each planning district commission within the State and counties and cities not participating in a formally organized planning district commission within the State shall prepare and submit to the Governor, through the Division of Justice and Crime Prevention, plans and data for strengthening and improving law enforcement and the administration of criminal justice within the planning district or county or city, as the case may be, which shall be subject to the approval of the Governor and the Council on Criminal Justice for purposes

of determining the eligibility of such planning district commission, county or city, to participate in funds and grants available under the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968; or such State or other federal funds as may be made available. Such plans and data shall be prepared in accordance with rules and regulations adopted and administered by the Division of Justice and Crime Prevention and shall be updated periodically, as required by that Division. (1970, c. 759.)

§ 2.1-64.27. Juvenile Delinquency Prevention and Control Advisory Committee. — The Governor shall appoint a Juvenile Delinquency Prevention and Control Advisory Committee consisting of six members who shall be appointed for four-year terms. No member shall be appointed to serve more than two full four-year terms. Vacancies on the committee shall be filled for the unexpired term. Members of the committee shall receive no salaries but shall be paid their necessary traveling and other expenses incurred in the discharge of their duties.

The Juvenile Delinquency Prevention and Control Advisory Committee shall meet with, advise, and assist the Council on Criminal Justice when the Council considers any matter pertaining to the Juvenile Delinquency Prevention and Control Act of 1968, and on such occasions the members of the Committee shall be considered full members of the Council. The Council on Criminal Justice may also seek the advice and assistance of said Committee on any other matter which the Council deems appropriate pertaining to its powers and duties. (1970, c. 759.)

§ 2.1-64.28. Direct operational responsibilities in law enforcement not authorized. — Nothing in this chapter shall be construed as authorizing the Council on Criminal Justice or the Division of Justice and Crime Prevention to undertake direct operational responsibilities in law enforcement or the administration of criminal justice. (1970, c. 759.)

CHAPTER 7.4.

DIVISION OF HUMAN RESOURCES.

Sec.	Sec.
2.1-64.29. Division created; supervision of Governor; Director; Advisory Board.	2.1-64.30. Responsibility of Division. 2.1-64.31. Powers and duties of Director.

§ 2.1-64.29. Division created; supervision of Governor; Director; Advisory Board. — There is hereby created the Division of Human Resources, which shall be under the supervision and direction of the Governor and shall be referred to hereafter as the Division. The Governor shall appoint a Director of the Division, who shall hold the office at the pleasure of the Governor, and shall be paid such compensation as the Governor may prescribe.

The Governor shall also appoint an Advisory Board in the Division of Human Resources, hereafter referred to as the Board, consisting of nine members, two of whom shall be selected from the membership of the House of Delegates, two of whom shall be selected from the membership of the Senate, and five of whom shall be selected from the State at large. Initially, two members shall be appointed for two-year terms, three members shall be appointed for three-year terms and four members for four-year terms; and, as such initial terms expire and thereafter, all members shall be appointed for four-year terms. No member shall be appointed to serve more than two full four-year terms. Vacancies on the Board shall be

CHAPTER 471

An Act to amend and reenact §§ 2.1-64.23, 2.1-64.24, 2.1-64.25 and 2.1-64.26 of the Code of Virginia; and to repeal § 2.1-64.27 of the Code of Virginia, the amended and repealed sections relating respectively to the creation of the Division of Justice and Crime Prevention and Council on Criminal Justice, powers and duties of Division and Council, powers and duties of Director, and the Juvenile Delinquency Prevention and Control Advisory Committee.

[S 479]

Approved APR 8 1974

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-64.23, 2.1-64.24, 2.1-64.25 and 2.1-64.26 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-64.23. Division created; appointment of Director; appointment and composition of Council; terms of members; expenses; chairman, vice-chairman and executive director of Council; responsibility for implementation and administration of federal programs, etc.—There is hereby created the State Division of Justice and Crime Prevention, which shall be under the supervision and direction of the Governor, acting through the ~~Commissioner~~ Secretary of Administration, and shall be referred to hereafter as the Division. The Governor shall appoint a Director of the Division, who shall hold his position at the pleasure of the Governor and shall be paid such compensation as the Governor may fix.

The Governor shall also appoint a Council on Criminal Justice, hereafter referred to as the Council, consisting of eighteen members, six of whom shall be the Superintendent of the Department of State Police, the Superintendent of Public Instruction, the Director of the Department of Welfare and Institutions, the Director of the Division of State Planning and Community Affairs, the ~~Director~~ Chairman of the Probation and Parole Board, and the Attorney General of Virginia or a representative from the office of the Attorney General. In those instances when either the Superintendent of the Department of State Police, the Superintendent of Public Instruction, the Director of the Department of Corrections, the Director of the Division of State Planning and Community Affairs or the Chairman of the Probation and Parole Board will be unavoidably absent from a Council meeting, he may appoint a member of his staff to represent him at the meeting of the Council. While attending the meeting of the Council such duly appointed representative shall have the privileges and responsibilities of the Council member he represents. The Council shall adopt such by-laws as it deems necessary governing the attendance of its members at meetings of the Council and the appointment of representatives hereinbefore provided. The remaining twelve members shall be appointed as follows:

Initially four members shall be appointed for two-year terms, four members for three-year terms, and four members for four-year terms; and as such initial terms expire, and thereafter, all remaining twelve members shall be appointed for four-year terms. None of these twelve members shall be appointed to serve more than two full four-year terms. These twelve members shall be selected from among residents of this State who are representative of the broad categories of the State and local criminal justice system, State and local law enforcement, State and local government, including but

not limited to, police officials, sheriffs, Commonwealth's attorneys, defense counsels, the judiciary, correctional and rehabilitative activities, juvenile delinquency prevention and control activities, and local and State elected and appointed administrative and legislative officials. Representatives may also be derived from the fields of education, science and technology, community relations, business and industry, law, religion, and the news media. Vacancies on the Council shall be filled for the unexpired term. Members of the Council shall receive no salaries but shall be paid their necessary traveling and other expenses incurred in the discharge of their duties. The Governor shall appoint the chairman of the Council and the Council shall designate one or more vice-chairmen from among its members, who shall serve at the pleasure of the Council. The Director shall serve as Executive Director of the Council and as an ex officio member of the Council.

The Council on Criminal Justice and the Division of Justice and Crime Prevention are hereby designated as the supervisory board and the State planning and coordinating agency, respectively, responsible for the implementation and administration of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), as amended, ~~and the Juvenile Delinquency Prevention and Control Act of 1968 (Public Law 90-445)~~, as well as other federal programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control throughout the State, and shall continue the activities of and succeed the State Law Enforcement Planning Council and the State Law Enforcement Administration.

§ 2.1-64.24. Powers and duties of Division and Council.—The Division, under the direction of the Governor, shall have the following powers and duties:

(a) To develop a comprehensive Statewide long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the State and to periodically update said plan.

(b) To encourage, stimulate, organize, develop, and conduct programs and activities throughout the State designed to strengthen and improve law enforcement and the administration of criminal justice in the Commonwealth.

(c) To define, develop, correlate, implement, and administer programs and projects for the State and for units of general local government, or combinations thereof, in the State, designed to strengthen and improve law enforcement and the administration of criminal justice throughout the State.

(d) To establish priorities for strengthening and improving law enforcement and the administration of criminal justice throughout the State.

(e) To coordinate the activities and programs of all State departments, agencies, boards, and institutions, and of the units of general local government, or combinations thereof, in the State, including counties, cities, towns, and planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice at every level.

(f) To cooperate with and advise and assist all State agencies, departments, boards and institutions, and units of general local government, or combinations thereof, in the State, including counties, cities, towns, and planning district commissions, in planning, devel-

oping, and conducting programs, projects, and activities for strengthening and improving law enforcement and the administration of criminal justice throughout the State, including allocating and subgranting funds for these purposes.

(g) To determine the benefits which may accrue to the State and its units of general local government, or combinations thereof, under the Omnibus Crime Control and Safe Streets Act of 1968 ~~and the Juvenile Delinquency Prevention and Control Act of 1968~~, and any amendments thereto, and to take full advantage of ~~these~~ *this* federal acts—*act* and all federal acts and programs designed to strengthen and improve law enforcement, ~~and~~ the administration of criminal justice *and delinquency prevention and control* throughout the State.

(h) To do all things necessary on behalf of the Commonwealth of Virginia and its units of general local government, or combinations thereof, to secure the full benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 ~~and the Juvenile Delinquency Prevention and Control Act of 1968~~ and any amendments thereto, *and under other federal acts and programs designed to strengthen and improve law enforcement, the administration of criminal justice and delinquency prevention and control throughout the State*, and in so doing to cooperate with federal and State agencies, departments, and institutions, private and public agencies, interstate organizations, and individuals to effectuate the purposes of those acts, and any amendments thereto, and the purposes of this chapter.

(i) To receive, administer, and expend all funds and other assistance available to the Division for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968 ~~and the Juvenile Delinquency Prevention and Control Act of 1968~~, and any amendments thereto.

(j) To apply for and accept grants from the United States government and agencies and instrumentalities thereof and from any other source in carrying out the purposes of this chapter. To these ends, the Division shall have the power to comply with conditions and execute such agreements as may be necessary.

(k) To accept gifts, bequests, and any other thing to be used for carrying out the purposes of this chapter.

(l) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including, but not limited to, contracts with the United States, units of general local government, or combinations thereof, in the State, other states, and agencies and departments of the Commonwealth.

(m) To adopt and administer reasonable rules and regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the State and to units of general local government within the State, or combinations thereof, and for carrying out the purposes of this chapter and the powers and duties of the Division.

(n) To perform such other acts as may be necessary or convenient for the effective performance of its duties.

The Council on Criminal Justice shall determine policy and supervise the Division in the performance of its powers and duties and shall advise the Division specifically through the review and evaluation of programs and activities for strengthening and improving law enforcement and the administration of criminal justice of the State and of units of general local government within the State, or combi-

nations thereof.

§ 2.1-64.25. Powers and duties of Director; other personnel.— The Director shall, under the direction and control of the Governor, acting through the ~~Commissioner~~ Secretary of Administration, exercise all powers and perform all duties imposed on him by law, and he shall perform such other duties as the Governor or ~~Commissioner~~ Secretary of Administration shall require of him.

In addition, the Director shall be charged with executive and administrative responsibility to (a) carry out the specific duties imposed on the Division under § 2.1-64.24 and (b) maintain appropriate liaison with federal, State and local agencies and units of government, or combinations thereof, so that all programs and activities for strengthening and improving law enforcement and the administration of criminal justice may function effectively from national to local levels.

The Director is authorized to employ such personnel and to contract for such consulting services as may be required to carry out the purposes of this chapter. Personnel employed by the Director shall be subject to the provisions of Chapter 10 (§ 2.1-110 et seq.) of Title 2.1 of the Code of Virginia.

§ 2.1-64.26. Plans and data from planning districts, counties and cities.—Each planning district commission within the State and counties and cities not participating in a formally organized planning district commission within the State shall prepare and submit to the Governor, through the Division of Justice and Crime Prevention, plans and data for strengthening and improving law enforcement and the administration of criminal justice within the planning district or county or city, as the case may be, which shall be subject to the approval of the Governor and the Council on Criminal Justice for purposes of determining the eligibility of such planning district commission, county or city, to participate in funds and grants available under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, ~~and the Juvenile Delinquency Prevention and Control Act of 1968~~; or such State or other federal funds as may be made available for like purposes. Such plans and data shall be prepared in accordance with rules and regulations adopted and administered by the Division of Justice and Crime Prevention and shall be updated periodically, as required by that Division.

2. That § 2.1-64.27 of the Code of Virginia is repealed.

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President of the Senate

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Speaker of the House of Delegates

Approved:

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Governor