



PUBLIC HEARING NOTICE TOWN OF JAMESTOWN

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on November 2, 2009 at 7:00 p.m. at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review and/or purchase at the Town Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays.

Section 1. The Town of Jamestown hereby ordains that the Jamestown Code Of Ordinances, Chapter 2, Art. III. Boards, Committees and Commissions, Section 57, as the same may have been heretofore amended, is hereby amended, as follows:

NOTE: words set as ~~struck through~~ are to be deleted from the ordinance; words set in **bold** are to be added to the ordinance.

ARTICLE III. BOARDS, COMMITTEES AND COMMISSIONS. DIVISION 3. JUVENILE HEARING BOARD

Sec. 2-57. Establishment.

There is hereby established within the town a juvenile hearing board with the powers set forth in this article and the general laws of the state for the purpose of hearing all cases referred to such board by the juvenile division of the police department, with respect to persons under the age of 18 who are charged with violating the criminal laws of the state or the town.

Sec. 2-58. Referral.

(a) Persons who are under the age of 18 may be referred to the juvenile hearing board, established in this article, which shall have concurrent jurisdiction with the family court if the offense is one which, if committed by an adult, would be a misdemeanor; provided, however, that this requirement shall not apply in the case of any person:

- (1) Charged with the crime of assault or battery;
- (2) Who shall have been twice previously referred to the juvenile hearing board or have been once previously referred and refused or failed to abide by the sanctions imposed or make the restitution recommended; and/or
- (3) Who at the time of the commission of such juvenile offense shall be within the custody and control of the family court.

The juvenile hearing board may also, with the express written consent of the chief justice of the family court, hear and dispose of offenses that constitute felony offenses or a felony offense that has been amended to a misdemeanor offense.

(b) The juvenile division of the town police department may offer referral to the juvenile hearing board any other juvenile offender where, in the opinion of the juvenile division, such referral would be beneficial to the juvenile concerned and the community at large. No referral to the juvenile hearing board shall be made by the juvenile division until such person, together with his legal guardians, shall have in writing waived such person's right to a hearing in the family court with respect to the offense charged, has agreed to guilt, and shall have agreed to abide by the decision of the juvenile hearing board.

Sec. 2-59. Composition.

The membership of the juvenile hearing board shall consist of five persons over the age of 18 years, to be appointed by the town council, all of whom shall have been a resident for at least three years within the town and none of whom shall be attorneys admitted to practice before the state supreme court. The town council shall appoint one member whose term shall expire on December 1, 2010, and thereafter until his successor is appointed and qualified, two members whose term shall expire on December 1, 2011, and thereafter until their successors are appointed and qualified, two members whose terms shall expire on December 1, 2012, and thereafter until their successors are appointed and qualified. During the month of November, 2011, and annually thereafter, the town council shall appoint a member to succeed the members whose terms will then next expire, to serve for a term of three years, commencing on December 1, and thereafter until their successors are appointed and qualified. In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, such vacancy shall be filled in like manner as the original appointment, but only for the remainder of the term of the former member. No member of the juvenile hearing board shall be entitled to receive any compensation by reason of his service on the board.

Sec. 2-60. Duties.

The juvenile hearing board shall hear all cases referred to it by the juvenile division and shall recommend sanctions (other than incarceration) including, but not limited to, fines (up to a maximum of \$50.00, and community service and shall direct restitution for any injuries and/or damages where appropriate, resulting from the commission of such offense. In any such proceeding, the juvenile hearing board, prior to imposing sanctions, shall request the juvenile offender and his parents or legal guardians to agree to the sanctions imposed, and the amount of restitution, the juvenile hearing board shall take into account the juvenile offender's ability to pay, and the amount of actual damage caused as a result of the commission of such offense.

Sec. 2-61. Meetings.

(a) The juvenile hearing board shall meet as necessary. It shall give notice of date and time of meetings to the juvenile division, the juvenile offender and his parents, or legal guardian, not less than seven days prior to the date of the hearing. Any juvenile offender may be represented by counsel and present evidence in his behalf. A majority of the members of the juvenile hearing board shall constitute a quorum, and its proceedings shall be closed to the public. Records of the juvenile hearing board's proceedings shall be sealed and destroyed when the juvenile reaches the age of 18.

(b) The juvenile hearing board shall elect one from its members as its chairman, and one as its vice-chairman. In the absence of the chairman, the vice-chairman shall be the presiding officer. A majority of the members present shall be required to take any action. The juvenile hearing board shall have the power from time to time to draft rules governing its proceedings or to amend or repeal any rules theretofore adopted. The juvenile hearing board shall maintain confidentiality in all cases as to the identity of the juvenile and the disposition of the case.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to the Town of Jamestown's Code of Ordinances.

Section 3. This Ordinance shall take effect upon its passage.

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