

# VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

## CHAPTER 516

*An Act to amend and reenact §§ 37.1-42.1 and 53.1-10 of the Code of Virginia, relating to duties of Commissioner and Director; forms of identification.*

[H 2309]

Approved March 16, 2003

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 37.1-42.1 and 53.1-10 of the Code of Virginia are amended and reenacted as follows:**

§ 37.1-42.1. Duties of Commissioner.

The Commissioner shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of facilities.
2. To employ such personnel as may be required to carry out the purposes of this title.
3. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, agencies and governmental subdivisions of this Commonwealth, consistent with policies, rules and regulations of the Board.
4. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies, and instrumentalities thereof and any other source, subject to the approval of the Governor. To these ends, the Commissioner shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable, consistent with policies, rules and regulations of the Board.
5. To accept, execute and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor.
6. To transfer between mental health and mental retardation facilities school-age residents who have been identified as appropriate to place in public school programs and to negotiate with other school divisions for placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which mental health or mental retardation facilities are situated.
7. To provide to the Director of the Virginia Office for Protection and Advocacy, pursuant to § 51.5-39.12, a written report setting forth the known facts of critical incidents or deaths of patients or residents of facilities within fifteen working days of the critical incident or death.
8. *To work with the appropriate state and federal entities to ensure that any person who has been a patient or resident in a state facility for more than one year has possession of or receives prior to discharge any of the following documents, when they are needed to obtain the services contained in his discharge plan: a Department of Motor Vehicles approved identification card that would expire 90 days from issuance, a copy of his birth certificate if such person was born in the Commonwealth, or a social security card from the Social Security Administration. State facility directors, as part of their responsibilities pursuant to § 37.1-98, shall implement this provision when discharging such patients or residents.*

Unless specifically authorized by the Governor to accept or undertake activities for compensation, the Commissioner shall devote his entire time to his duties.

§ 53.1-10. Powers and duties of Director.

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;
2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;
3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of appropriations made therefor by the General Assembly;
4. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of water or wastewater treatment services or both as necessary for the expansion or construction of correctional facilities, consistent with applicable standards and goals of the Board;
5. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Director shall have the power to comply with such

conditions and execute such agreements as may be necessary, convenient or desirable, consistent with applicable standards and goals of the Board;

6. To serve on the Virginia Correctional Enterprises Advisory Board established pursuant to § 53.1-45.2; ~~and~~

7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter; *and*

8. *To make application to the appropriate state and federal entities so as to provide any prisoner who is committed to the custody of the state a Department of Motor Vehicles approved identification card that would expire 90 days from issuance, a copy of his birth certificate if such person was born in the Commonwealth, and a social security card from the Social Security Administration.*