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HOUSE BILL NO. 1308

Offered January 20, 2004

A BILL to amend and reenact §§ 19.2-152.2, 53.1-95.8 and 53.1-109 of the Code of Virginia, relating to pretrial programs.

Patron—Hurt

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-152.2, 53.1-95.8 and 53.1-109 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-152.2. Purpose; establishment of program.

It is the purpose of this article to provide more effective protection of society by establishing programs ~~which~~*that* will assist judicial officers in discharging their duties pursuant to Article 1 (§ 19.2-119 et seq.) of Chapter 9 of this title. Such programs are intended to provide better information and services for use by judicial officers in determining the risk to public safety and the assurance of appearance of persons *age 18 or over or persons under the age of 18 who have been transferred for trial as adults* held in custody and charged with an offense, other than an offense punishable by death, who are pending trial or hearing. Any city, county or combination thereof may establish a pretrial services program and any city, county or combination thereof required to submit a community-based corrections plan pursuant to § 53.1-82.1 shall establish a pretrial services program.

§ 53.1-95.8. Authority of superintendent and jail officers; oath and bond; fees charged to prisoner.

The superintendent appointed by an authority created pursuant to this article to administer its correctional facility shall have and exercise the same control and authority over the prisoners committed or transferred to such facility as the sheriffs of this Commonwealth have by law over the prisoners committed or transferred to their jails.

During the term of their appointment, the superintendent and jail officers are hereby vested with the powers and authority of a conservator of the peace (i) within the limits of such correctional facility and within one mile thereof; (ii) for the purpose of conveying prisoners to and from such facility; (iii) for the purpose of enforcing the provisions of alternative incarceration and treatment programs pursuant to §§ 53.1-129, 53.1-131, and 53.1-131.2 ~~and pretrial supervision programs operated pursuant to § 19.2-123~~; (iv) for the purpose of providing security and supervision of prisoners taken to a medical, dental, or psychiatric facility; and (v) for the purpose of providing a security escort and supervision of prisoners transported to a funeral or graveside service. Prisoners may be charged reasonable fees for services described in clause (v).

Before entering upon the duties of their office, the superintendent and jail officers shall take and subscribe the oath prescribed by § 49-1. An authority created pursuant to this article may require the superintendent or jail officers or both to give bond in such penalty and with such security as the authority may prescribe, conditioned upon the faithful discharge of the duties of their offices.

§ 53.1-109. Authority of jail superintendent and jail officers; fees charged to prisoner.

The jail superintendent shall have and exercise the same control and authority over the prisoners committed or transferred to a regional jail or jail farm as the sheriffs of this Commonwealth have by law over the prisoners committed or transferred to local jails.

During the term of their appointment the superintendent and jail officers are hereby invested with the powers and authority of a conservator of the peace (i) within the limits of such jail or jail farm and within one mile thereof, whether such jail or jail farm is situated within or beyond the limits of such political subdivisions establishing and maintaining the same; (ii) for the purpose of conveying prisoners to and from such jail or jail farm; (iii) for the purpose of enforcing the provisions of alternative incarceration or treatment programs pursuant to §§ 53.1-129, 53.1-131, and 53.1-131.2 ~~and pretrial supervision programs operated pursuant to Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2~~; (iv) for the purpose of providing security and supervision of prisoners taken to a medical, dental, or psychiatric facility; and (v) for the purpose of providing a security escort and supervision of prisoners transported to a funeral or graveside service. Prisoners may be charged reasonable fees for services described in clause (v).

INTRODUCED

HB1308