

2005 SESSION

SENATE SUBSTITUTE

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SENATE BILL NO. 170

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government
on January 27, 2004)

(Patron Prior to Substitute—Senator Stolle)

A BILL to amend the Code of Virginia by adding a section numbered 15.2-1609.1:01, relating to number of jail deputies.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-1609.1:01 as follows:

§ 15.2-1609.1:01. Number of jail deputies.

The Compensation Board shall allocate jail deputy positions at the lesser of the sheriff or superintendent's request, as recommended by the Department of Corrections, or at a ratio of not more than one jail deputy for every three beds of operational capacity. Operational capacity shall be determined by the Department of Corrections. In those jails experiencing overcrowding, the Compensation Board shall allocate jail deputy positions at the lesser of the sheriff or the superintendent's request, as recommended by the Department of Corrections, or at a ratio of not more than one additional jail deputy for every five average annual daily prisoners above operation capacity. Should there be any disagreement between the sheriff and the Compensation Board regarding staffing for the jail, then the local governing body may address such objections under the provisions of § 15.2-1636.8.

For the purposes of this section, "overcrowding" is defined as when the average annual daily population exceeds the operational capacity.

Should overcrowding be reduced or eliminated in any jail, the Compensation Board shall reallocate jail deputy positions previously assigned due to the overcrowding in accordance with the Board's staffing standards for alternatives to incarceration programs or court services within the sheriff's office or among other jails in the Commonwealth.

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