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HOUSE BILL NO. 913

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on April 13, 2010)

(Patron Prior to Substitute—Delegate Bell, R.B)

A BILL to amend and reenact §§ 19.2-11.4 and 53.1-30 of the Code of Virginia, relating to the victim of a prisoner visiting the incarcerated prisoner.

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-11.4 and 53.1-30 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-11.4. Establishment of victim-offender reconciliation program.

A. Any Crime Victim and Witness Assistance Program may establish a victim-offender reconciliation program to provide an opportunity after conviction for a victim, at his request and upon the subsequent agreement of the offender, to:

1. Meet with the offender in a safe, controlled environment *in accordance with the policies established pursuant to subsection B of § 53.1-30;*

2. Give to the offender, either orally or in writing, a summary of the financial, emotional, and physical effects of the offense on the victim or the victim's family; and

3. Discuss a proposed restitution agreement which may be submitted for consideration by the sentencing court for damages incurred by the victim as a result of the offense.

B. If the victim chooses to participate in a victim-offender reconciliation program under this section, the victim shall execute a waiver releasing the Crime Victim and Witness Assistance Program, attorney for the offender and the attorney for the Commonwealth from civil and criminal liability for actions taken by the victim or offender as a result of participation by the victim or the offender in a victim-offender reconciliation program.

C. A victim shall not be required to participate in a victim-offender reconciliation program under this section.

D. The failure of any person to participate in a reconciliation program pursuant to this section shall not be used directly or indirectly at sentencing.

§ 53.1-30. Who may enter interior of state correctional facilities; searches of those entering.

A. The Governor, members of the General Assembly, and members of the Board of Corrections may go into the interior of any state correctional facility. Attorneys shall be permitted in the interior of a state correctional facility to confer with prisoners who are their clients and with prisoners who are witnesses in cases in which they are involved. The Director shall prescribe, subject to approval of the Board, the time and conditions on which attorneys and other persons may enter any state correctional facility.

B. *The Department shall promulgate a policy to assist a person who was a victim of a crime committed by an offender incarcerated in any state correctional facility to visit with such offender. Such policy may include provisions necessary to preserve the safety and security of those at such visit and the good order of the facility, including consideration of the offender's security level, crime committed, and institutional behavior of the offender. The Department shall make whatever arrangements are necessary to effectuate such a visit. This subsection shall not apply to juvenile victims.*

BC. Any person seeking to enter the interior of any state correctional facility shall be subject to a search of his person and effects. Such search shall be performed in a manner reasonable under the circumstances and may be a condition precedent to entering a correctional facility.