

VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 40

An Act to amend and reenact § 53.1-56 of the Code of Virginia, relating to construction and maintenance of highways; inmate labor.

[H 2040]

Approved March 10, 2011

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-56 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-56. Construction and maintenance of highways; grass cutting; acquisition of quarries, etc.; use of materials for county roads.

Persons sentenced to the Department shall, so far as practicable, be employed in the construction and maintenance of the State Highway System and secondary system of state highways, and to this end may be used in rock quarries, gravel pits and other plants in the preparation of materials for construction and maintenance of roads and in the maintenance of any or all medians and other nontraveled portions of such highways. *Persons sentenced to the Department may also be employed in the maintenance of the rest areas along the Interstate Highway System, providing that such maintenance activities are jointly approved by the Department and the Virginia Department of Transportation based on the safety of the traveling public.*

The Commonwealth Transportation Board may acquire out of the proceeds of the money, now or hereafter available for construction and maintenance of the State Highway System and secondary system, such quarries, gravel pits or plants as may in its opinion be necessary for such work. The Board shall on the request of any county road authorities allow such county road authorities to take from such quarries or gravel pits or shall sell to such county road authorities at cost of production such materials as may be required to be used for the construction and maintenance of county roads. This arrangement shall in no way interfere with the furnishing of materials by the Board for the maintenance or construction of the State Highway System and secondary system.

The Commonwealth Transportation Board shall make requisition from time to time upon the Director for the number of prisoners it deems necessary for the work on the State Highway System or secondary system or for the preparation of road material for road construction and maintenance ~~and~~, in the maintenance of any or all medians and other nontraveled portions of such highways, *and in the maintenance of the rest areas along the Interstate Highway System.* The number of prisoners so requisitioned shall be furnished subject to availability as determined by the Director of the Department of Corrections.

Fifteen days prior to a prisoner's participation in the program, the Director shall give the chief of police, sheriff or local chief law-enforcement official of the locality in which the prisoner will work, notice of the prisoner's participation. Such notice shall include the name, address and criminal history of the prisoner, in addition to other information the chief of police or such officer may request. The transmission of information shall be confidential and not subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).