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## SENATE BILL NO. 247

Offered January 11, 2012

Prefiled January 10, 2012

A *BILL to amend and reenact §§ 53.1-41 and 53.1-43.1 of the Code of Virginia, relating to opportunities for work and career and technical education; child support.*

Patron—Obenshain

Referred to Committee on Rehabilitation and Social Services

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

**1. That §§ 53.1-41 and 53.1-43.1 of the Code of Virginia are amended and reenacted as follows:**

§ 53.1-41. Opportunities for work and career and technical education.

A. To the extent feasible, it shall be the duty of the Director to provide persons sentenced to the Department with opportunities to work and to participate in career and technical education programs as operated by the Department of Correctional Education in accordance with § 22.1-339 et seq. Such work opportunities may include business, industrial, agricultural, highway maintenance and construction, and work release programs as hereafter specified in this article. In addition, prisoners may be employed to improve, repair, work on or cultivate public property or buildings.

In addition to meeting the qualifications for work performance and security compatibility, preference for placement in work programs shall be given to any prisoner who requests a work assignment and assigns a minimum of 50% of his earnings to his child support obligation.

B. When a person committed to the Department owes any court imposed fines, costs, forfeitures, restitution or penalties, *or child support under a court or administrative order*, he shall be required as a condition of participating in any work program to ~~either~~ *make child support payments and full payment or make* payments in accordance with an agreed upon installment or deferred payment plan *for fines, costs, forfeitures, restitution or penalties* while participating in such work program. *If the person fails to make child support payments, or if*, after the person enters into an installment or deferred payment agreement, the person fails to pay as agreed, his participation in the work program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied *or until any arrearage in child support payments are paid*. The Director shall withhold such payments from any amounts due to such person.

§ 53.1-43.1. (Effective January 1, 2012) Inmate trust accounts.

In addition to any other account established to hold funds for inmates, the Department shall establish for each inmate a personal trust account. Unless an inmate has been sentenced to be executed or is serving a sentence of life without the possibility of parole, 10 percent of any funds received by an inmate from any source shall be deposited by the Department in the inmate's personal trust account until the account has a balance of \$1,000. When the inmate's personal trust account reaches \$1,000, any funds received by the inmate shall be deposited in the inmate's other account.

An inmate may direct the Department at any time to deposit a portion or all of any funds received by him in the inmate's personal trust account. After the balance of a personal trust account has exceeded \$1,000, an inmate may direct the Department to transfer funds from his personal trust account to any other account maintained for him; provided, however, that the balance of the personal trust account shall not fall below \$1,000.

Funds in an inmate's personal trust account shall be paid to the inmate upon parole or final discharge. *However, funds in an inmate's personal trust account shall be subject to any court or administrative order requiring the payment of child support, and the Director shall withhold such payments from any funds due to such inmate.*

INTRODUCED

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