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## SENATE BILL NO. 1063

Offered January 11, 2017

Prefiled January 6, 2017

*A BILL to amend and reenact §§ 32.1-19, 32.1-279, 53.1-2, and 53.1-5 of the Code of Virginia, relating to the State Board of Corrections; membership; powers and duties; inmate death investigations.*

Patrons—Deeds, Cosgrove and McClellan

Referred to Committee on Rehabilitation and Social Services

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

**1. That §§ 32.1-19, 32.1-279, 53.1-2, and 53.1-5 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-19. Duties prescribed by Board.**

A. The Commissioner shall perform such duties as the Board may require, in addition to the duties required by law.

B. The Commissioner shall, along with the Superintendent of Public Instruction, work to combat childhood obesity and other chronic health conditions that affect school-age children.

C. The Commissioner shall ensure, in the licensure of health care facilities, that quality of care, patient safety, and patient privacy are the overriding goals of such licensure and related enforcement efforts.

D. The Commissioner shall coordinate the Department's emergency preparedness and response efforts.

E. The Commissioner shall ensure that prevention of disease and protection of public health remain the Department's overriding goals.

F. The Commissioner shall designate a senior staff member of the Department, who shall be a licensed physician, to oversee minority health efforts of the Department.

G. The Commissioner shall designate a senior official of the Department, who shall be a licensed physician or nurse practitioner, to coordinate all women's health efforts in the Department including, but not limited to, the "Every Woman's Life Program," and other efforts to prevent, detect, and treat breast cancer, cervical cancer, and other diseases that primarily affect women.

*H. The Commissioner and the Department shall assist the State Board of Corrections in the conduct of any inmate death investigation conducted by the State Board of Corrections pursuant to subdivision 5 of § 53.1-5.*

**§ 32.1-279. Duties of Chief Medical Examiner; teaching legal medicine.**

A. The Chief Medical Examiner shall carry out the provisions of this article under the direction of the Commissioner. The Chief Medical Examiner may, with the approval of the Commissioner, employ forensic pathologists to serve as Assistant Chief Medical Examiners in the central and district offices established pursuant to § 32.1-277.

B. The Chief Medical Examiner and Assistant Chief Medical Examiners shall be available to Virginia Commonwealth University, the University of Virginia, the Eastern Virginia Medical School, and other institutions of higher education providing instruction in health science or law for teaching legal medicine and other subjects related to their duties.

*C. The Chief Medical Examiner shall assist the State Board of Corrections in the conduct of any inmate death investigation conducted by the State Board of Corrections pursuant to subdivision 5 of § 53.1-5.*

**§ 53.1-2. Appointment of members; qualifications; terms and vacancies.**

There shall be a State Board of Corrections which shall consist of nine residents of the Commonwealth appointed by the Governor and subject to confirmation by the General Assembly. In making appointments the Governor shall endeavor to select appointees of such qualifications and experience that the membership of the Board shall include persons suitably qualified to consider and act upon the various matters under the Board's jurisdiction. *Members of the Board shall be appointed as follows: (i) one former sheriff or one former warden, superintendent, administrator, or operations manager of a state or local correctional facility with at least eight years of experience in the management of correctional facilities; (ii) one individual employed by a public mental health services agency with training in or clinical, managerial, or other relevant experience with working with individuals subject to the criminal justice system who have mental illness; (iii) one individual with experience overseeing a correctional facility's or mental health facility's compliance with applicable laws, rules, and regulations; (iv) one physician licensed in the Commonwealth; (v) one individual with*

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SB1063

59 *experience in administering educational or vocational programs in state or local correctional facilities;*  
60 *(vi) one individual with experience in financial management or the performance of audit investigations;*  
61 *(vii) one citizen member who represents community interests; and (viii) two individuals with experience*  
62 *in conducting criminal, civil, or death investigations.*

63 Members of the Board shall serve at the pleasure of the Governor and shall be appointed for terms  
64 of four years. A vacancy other than by expiration of term shall be filled by the Governor for the  
65 unexpired term.

66 No person shall be eligible to serve more than two full consecutive four-year terms.

67 **§ 53.1-5. Powers and duties of Board.**

68 The Board shall have the following powers and duties:

69 1. To develop and establish operational and fiscal standards governing the operation of local,  
70 regional, and community correctional facilities;

71 2. To advise the Governor and Director on matters relating to corrections;

72 3. To make, adopt and promulgate such rules and regulations as may be necessary to carry out the  
73 provisions of this title and other laws of the Commonwealth pertaining to local, regional, and  
74 community correctional facilities;

75 4. To ensure the development of programs to educate citizens and elicit public support for the  
76 activities of the Department;

77 5. *To develop and implement, in consultation with State Department of Health and the Office of the*  
78 *Chief Medical Examiner, policies and procedures for the investigation of the death of any inmate that*  
79 *the Board determines warrants investigation that occurs in any local, regional, or community*  
80 *correctional facility. Such policies and procedures shall incorporate the Board's authority under*  
81 *§ 53.1-6 to ensure the production of evidence necessary to conduct a thorough investigation of any such*  
82 *death;*

83 6. To establish and promulgate regulations regarding the provision of educational and vocational  
84 programs within the Department; and

85 ~~6.~~ 7. To adopt and promulgate regulations and require the Director and Department to enforce  
86 regulations prohibiting the possession of obscene materials, as defined and described in Article 5  
87 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities.