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SENATE BILL NO. 942

Offered January 11, 2017

Prefiled December 29, 2016

A BILL to amend and reenact § 53.1-127 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 53.1-69.1, relating to deaths of inmates in local correctional facilities; review by the Board of Corrections.

Patrons—Cosgrove; Delegate: Toscano

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-127 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 53.1-69.1 as follows:

§ 53.1-69.1. Review of death of inmates in local correctional facilities.

A. The Board shall have the power to review the death of any inmate who was incarcerated in a local correctional facility at the time of his death in order to determine (i) the circumstances surrounding the inmate's death, including identifying any act or omission by the facility or any employee or agent thereof that may have directly or indirectly contributed to the inmate's death, and (ii) whether the facility was in compliance with the regulations promulgated by the Board.

B. Any review conducted pursuant to this section shall be performed by Department staff who have been designated by the Board to conduct such review and who shall operate as agents of the Board. In conducting a review pursuant to this section, the Board may exercise its power under § 53.1-6 to hold and conduct hearings, issue subpoenas, and administer oaths and take testimony thereunder.

C. Upon completion of any review conducted pursuant to this section, the Department staff conducting the review shall report their findings, including any failure to comply with the Board's regulations, to the Board. The Board may issue any order authorized under § 53.1-69 to correct any failure by the facility to comply with the Board's regulations. Except as otherwise required by law, the Board shall maintain the confidentiality of any confidential records or information obtained from a facility during the course of a review, in accordance with state and federal law. The Board shall prepare a detailed report of the findings of any review, which shall be submitted to the Governor, the General Assembly, and the Department. Such report may contain recommendations for changes to the minimum standards for the construction, equipment, administration, and operation of local correctional facilities in order to prevent problems, abuses, and deficiencies in and improve the effectiveness of such facilities.

§ 53.1-127. Who may enter interior of local correctional facilities; searches of those entering.

A. Members of the local governing bodies ~~which~~ that participate in the funding of a local correctional facility may go into the interior of that facility. Agents of the Board may go into the interior of any local correctional facility. In addition, Department of Corrections staff and state and local health department staff shall, in the performance of their duties, have access to the interior of any local correctional facility subject to the standards promulgated pursuant to subsections A and B of § 53.1-68 A and B. Attorneys shall be permitted in the interior of a local correctional facility to confer with prisoners who are their clients and with prisoners who are witnesses in cases in which they are involved. Except for the announced or unannounced inspections authorized pursuant to subsections A and B of § 53.1-68 A and B or a review conducted pursuant to § 53.1-69.1, the sheriff, jail administrator, or other person in charge of the facility shall prescribe the time and conditions under which attorneys and other persons may enter the local correctional facility for which he is responsible.

B. Any person seeking to enter the interior of any local 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 local correctional facility.

INTRODUCED

SB942