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HOUSE BILL NO. 1642

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Militia, Police and Public Safety
on January 25, 2019)

(Patron Prior to Substitute—Delegate Hope)

A BILL to amend the Code of Virginia by adding a section numbered 53.1-39.1, relating to Department of Corrections; restrictive housing; data collection and reporting; report.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 53.1-39.1 as follows:

§ 53.1-39.1. Restrictive housing; data collection and reporting; report.

A. As used in this section:

"Offender" means an adult or juvenile who is confined in a state correctional facility.

"Restrictive housing" means special-purpose bed assignments operated under maximum security regulations and procedures, and utilized under proper administrative process, for the personal protection or custodial management of offenders.

"Shared Allied Management Unit" or "SAM Unit" means a general population environment used to promote safety within institutions by avoiding the use of restrictive housing to manage vulnerable populations that typically require a high level of services from security, mental health, or medical staff.

"Vulnerable population" means offenders who are at a greater risk of victimization or being bullied in the general population due to characteristics such as cognitive challenge, age (seniors and youthful), small stature, or timid personalities.

B. The Department's policies and procedures relating to the use and conditions of restrictive housing shall, at a minimum, adhere to the standards adopted by the American Correctional Association.

C. The Department shall report to the General Assembly and the Governor on or before April 1 and October 1 of each year the following information for the Department, in the aggregate and for each state correctional facility:

1. The average daily population;

2. The number of offenders who were placed in and the number of offenders who were released from restrictive housing;

3. The age, sex, race, ethnicity, mental health code, medical class code, security level, and custody level classification of each offender housed in restrictive housing or a SAM Unit, reported separately;

4. The disciplinary offense history preceding placement in restrictive housing or a SAM Unit, reported separately;

5. The number of days each offender spent in restrictive housing;

6. The number of incidents of self-harm, suicide attempts, and suicides by each offender during the offender's stay in restrictive housing or a SAM Unit, reported separately;

7. The number of offenders released from restrictive housing directly into the community;

8. The number of full-time mental health staff; and

9. Any changes made during the reporting period to written policies or procedures of the Department and each state correctional facility relating to the use and conditions of restrictive housing and SAM Units.

D. The Department shall submit the report to the Governor and the General Assembly semiannually as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports, and the semiannual report shall be posted on the General Assembly's website. The Department shall publish the semiannual report on the Department's website following its submission to the Governor and the General Assembly.