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SENATE BILL NO. 1363

Offered January 13, 2021

Prefiled January 13, 2021

A BILL to amend and reenact § 53.1-5 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 1 of Title 53.1 a section numbered 53.1-7.1, relating to Board of Local and Regional Jails; powers and duties.

Patrons—Marsden, Boysko, Mason, McClellan and Morrissey

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-5 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 1 of Title 53.1 a section numbered 53.1-7.1 as follows:

§ 53.1-5. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To develop and establish operational and fiscal standards governing the operation of local, regional, and community correctional facilities;
2. To advise the Governor and Director on matters relating to corrections;
3. To make, adopt, and promulgate such rules and regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth pertaining to local, regional, and community correctional facilities;
4. To ensure the development of programs to educate citizens and elicit public support for the activities of the Department;
5. To develop and implement policies and procedures for the review of the death of any inmate that the Board determines warrants review that occurs in any local, regional, or community correctional facility. Such policies and procedures shall incorporate the Board's authority under § 53.1-6 to ensure the production of evidence necessary to conduct a thorough review of any such death;
6. To establish minimum standards for health care services, including medical, dental, pharmaceutical, and behavioral health services, in local, regional, and community correctional facilities and procedures for enforcing such minimum standards, with the advice of and guidance from the Commissioner of Behavioral Health and Developmental Services and State Health Commissioner or their designees. Such minimum standards shall require that each local, regional, and community correctional facility submit a standardized quarterly continuous quality improvement report documenting the delivery of health care services, along with any improvements made to those services, to the Board. The Board shall make such reports available to the public on its website. The Board may determine that any local, regional, or community correctional facility that is accredited by the American Correctional Association or National Commission on Correctional Health Care meets such minimum standards solely on the basis of such facility's accreditation status; however, without exception, the requirement that each local, regional, and community correctional facility submit a standardized quarterly continuous quality improvement report to the Board shall be a mandatory minimum standard; ~~and~~
7. To report annually on or before December 1 to the General Assembly and the Governor on the results of the inspections and audits of local, regional, or community correctional facilities conducted pursuant to § 53.1-68 and the reviews of the deaths of inmates that occur in any local, regional, or community correctional facility conducted pursuant to § 53.1-69.1. The report shall include (i) a summary of the results of such inspections, audits, and reviews, including any trends identified by such inspections, audits, and reviews and the frequency of violations of each standard established for local, regional, or community correctional facilities, and (ii) any recommendations for changes to the standards established for local, regional, or community correctional facilities or the policies and procedures for conducting reviews of the death of inmates to improve the operations, safety, and security of local, regional, or community correctional facilities;
8. To ensure the development of long-range policies, programs, and plans for corrections services provided at the state and local levels;
9. To review and comment on all budgets and requests for appropriations for the Department prior to their submission to the Governor and on all applications for federal funds; and
10. To monitor the activities of the Department and its effectiveness in implementing the standards and goals of the Board.

§ 53.1-7.1. Board may authorize payment of certain medical expenses.

INTRODUCED

SB1363

59 *The Board may authorize the payment of medical expenses incurred by a prisoner after his release*
60 *or discharge from the Department when such expenses are the result of an injury suffered by the*
61 *prisoner while incarcerated and not caused by the misconduct of the prisoner.*