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SENATE BILL NO. 1363

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services
on January 29, 2021)

(Patron Prior to Substitute—Senator Marsden)

A BILL to amend and reenact §§ 53.1-2, 53.1-4, and 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 State Board of Local and Regional Jails; membership; powers and duties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-2, 53.1-4, and 53.1-5 of the Code of Virginia are 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:

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

There shall be a State Board of Local and Regional Jails, which shall consist of ~~nine~~ 14 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 (i) 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 and (ii) regarding the appointment of regional representatives, appointees who reflect the racial, ethnic, and gender diversity of the Commonwealth. 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;~~ (ii) ~~one individual employed by a public mental health services agency with training in or clinical, managerial, or other relevant experience 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 experience in administering educational or vocational programs in state or local correctional facilities;~~ (vi) ~~one individual with experience in financial management or performing audit investigations;~~ (vii) ~~one citizen member who represents community interests; and (viii) two individuals with experience in conducting criminal, civil, or death investigations~~

1. Six regional representatives, including one representative from each of the following six regions of the Commonwealth, who have expertise in corrections: (i) Northern region, consisting of the area for which three-digit ZIP code prefixes 201 and 220 through 223 have been assigned by the U.S. Postal Service; (ii) Northwest region, consisting of the area for which three-digit ZIP code prefixes 224 through 229 have been assigned by the U.S. Postal Service; (iii) Central region, consisting of the area for which three-digit ZIP code prefixes 230, 231, 232, 238, and 239 have been assigned by the U.S. Postal Service; (iv) Eastern region, consisting of the area for which three-digit ZIP code prefixes 233 through 237 have been assigned by the U.S. Postal Service; (v) near Southwest region, consisting of the area for which three-digit ZIP code prefixes 240, 241, 244, and 245 have been assigned by the U.S. Postal Service; and (vi) far Southwest region, consisting of the area for which three-digit ZIP code prefixes 242, 243, and 246 have been assigned by the U.S. Postal Service;

2. One former attorney for the Commonwealth;

3. One mental health professional;

4. One former defense attorney;

5. One former inmate of a state correctional facility;

6. One former correctional officer;

7. One former sheriff;

8. One former regional jail superintendent; and

9. One representative of an organization that advocates for prisoner rights.

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

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

§ 53.1-4. Meetings; quorum; officers; main office.

The Board shall meet at least six times each calendar year and at other times as it deems appropriate. ~~Five~~ Eight members of the Board shall constitute a quorum. The Board shall select a chairman and secretary from its membership. The main office of the Board shall be in Richmond.

§ 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 *state*, local,

60 regional, and community correctional facilities;

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

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

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

67 5. To develop and implement policies and procedures for the review of the death of any inmate that
68 the Board determines warrants review that occurs in any *state*, local, regional, or community correctional
69 facility. Such policies and procedures shall incorporate the Board's authority under § 53.1-6 to ensure the
70 production of evidence necessary to conduct a thorough review of any such death;

71 6. To establish minimum standards for health care services, including medical, dental,
72 pharmaceutical, and behavioral health services, in *state*, local, regional, and community correctional
73 facilities and procedures for enforcing such minimum standards, with the advice of and guidance from
74 the Commissioner of Behavioral Health and Developmental Services and State Health Commissioner or
75 their designees. Such minimum standards shall require that each local, regional, and community
76 correctional facility submit a standardized quarterly continuous quality improvement report documenting
77 the delivery of health care services, along with any improvements made to those services, to the Board.
78 The Board shall make such reports available to the public on its website. The Board may determine that
79 any local, regional, or community correctional facility that is accredited by the American Correctional
80 Association or National Commission on Correctional Health Care meets such minimum standards solely
81 on the basis of such facility's accreditation status; however, without exception, the requirement that each
82 local, regional, and community correctional facility submit a standardized quarterly continuous quality
83 improvement report to the Board shall be a mandatory minimum standard; ~~and~~

84 7. To report annually on or before December 1 to the General Assembly and the Governor on the
85 results of the inspections and audits of local, regional, or community correctional facilities conducted
86 pursuant to § 53.1-68 and the reviews of the deaths of inmates that occur in any local, regional, or
87 community correctional facility conducted pursuant to § 53.1-69.1. The report shall include (i) a
88 summary of the results of such inspections, audits, and reviews, including any trends identified by such
89 inspections, audits, and reviews and the frequency of violations of each standard established for local,
90 regional, or community correctional facilities, and (ii) any recommendations for changes to the standards
91 established for local, regional, or community correctional facilities or the policies and procedures for
92 conducting reviews of the death of inmates to improve the operations, safety, and security of local,
93 regional, or community correctional facilities;

94 8. *To ensure the development of long-range policies, programs, and plans for corrections services*
95 *provided at the state and local levels;*

96 9. *To review and comment on all budgets and requests for appropriations for the Department prior*
97 *to their submission to the Governor and on all applications for federal funds;*

98 10. *To monitor the activities of the Department and its effectiveness in implementing the standards*
99 *and goals of the Board;*

100 11. *To review and approve the content and frequency of correctional officer training programs*
101 *provided by the Department; and*

102 12. *To collect and review information on disciplinary practices and trends in state, local, regional,*
103 *and community correctional facilities and, as appropriate, adopt rules and regulations to improve*
104 *disciplinary practices.*

105 **§ 53.1-7.1. Board may authorize payment of certain medical expenses.**

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

109 **2. That, notwithstanding the provisions of this act amending § 53.1-2 of the Code of Virginia,**
110 **persons serving as members of the State Board of Local and Regional Jails (the Board) on June**
111 **30, 2021, may continue to serve as a member of the Board for the remainder of the member's**
112 **current, unexpired term.**