

2022 SESSION

INTRODUCED

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HOUSE BILL NO. 674

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact § 53.1-1.1 of the Code of Virginia, relating to telephone systems in correctional facilities; fees and records of communications.*

Patron—Hope

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-1.1 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-1.1. Telephone systems within correctional facilities.

A. The Department of Corrections shall offer ~~debit or prepaid~~ telephone systems, in addition to any existing collect calling systems, which allow telephone calls to be placed to the telephone number or numbers on an approved call list. ~~Such telephone systems may be established with the lowest available rates.~~

B. No records of communications made from such telephone systems, including audio recordings or transcripts, shall be disclosed to any person unless a search warrant is issued in accordance with the provisions of Chapter 5 (§ 19.2-52 et seq.) of Title 19.2, except that an inmate or an attorney representing an inmate shall have access to such inmate's records upon request of the inmate.

C. Each correctional facility shall create and maintain an audit log for each inmate for the purpose of tracking access to the recordings or transcripts of an inmate's telephonic, electronic, or messaging communications. Such audit log shall (i) identify each disclosed record and (ii) include a copy of the search warrant issued in order to obtain such records.

Any records of communications obtained in violation of this section shall not be admissible as evidence in a criminal prosecution or civil action.

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