

# VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

## CHAPTER 270

*An Act to amend and reenact §§ 53.1-95.7, 53.1-95.8 and 53.1-106 of the Code of Virginia, relating to jail officers.*

[H 532]

Approved April 4, 1994

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 53.1-95.7, 53.1-95.8 and 53.1-106 of the Code of Virginia are amended and reenacted as follows:**

§ 53.1-95.7. Powers of authority.

Each authority created hereunder shall be deemed to be an instrumentality exercising public and essential governmental functions to provide for the public safety and welfare, and each such authority is hereby authorized and empowered:

1. To have a seal and alter the same at pleasure;
2. To acquire by gift, purchase, lease, or otherwise, and to hold, to sell, at public or private sale, or exchange, lease, mortgage, pledge, subordinate interest in, or otherwise dispose of real and personal property of every kind and character for its purposes;
3. To appoint, select, and employ officers, agents, and employees, including a superintendent of the regional correctional facility and necessary ~~guards~~ *jail officers* and employees therefor, and also including engineering and construction experts, fiscal agents and attorneys, and to fix their respective compensations;
4. To make contracts and leases and to execute all instruments necessary or convenient, including contracts for construction and financing of projects and leases of projects or contracts with respect to the use of projects which it causes to be erected or acquired, and to dispose by conveyance of its title in fee simple of real and personal property of every kind and character, and any and all political subdivisions, departments, institutions, or agencies of the Commonwealth are hereby authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such purposes as they deem advisable;
5. To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, furnish, operate, and manage projects, the cost of any such project to be paid in whole or in part from the proceeds or other funds made available to the authority;
6. To accept loans and grants of money or materials or property of any kind from the United States of America or any agency or instrumentality thereof, upon such terms and conditions as the United States of America or such agency or instrumentality may impose;
7. To accept loans and grants of money or materials or property of any kind from the Commonwealth of Virginia or any agency or instrumentality or political subdivision thereof, upon such terms and conditions as the Commonwealth of Virginia or such agency or instrumentality or political subdivision may impose;
8. To borrow money for any of its corporate purposes and to execute evidences of such indebtedness and to secure the same and to issue negotiable revenue bonds payable solely from funds pledged for that purpose and to provide for the payment of the same and for the rights of the holders thereof. Any city or county participating in the authority may lend, advance, or give money or materials or property of any kind to the authority;
9. To exercise any power usually possessed by private corporations performing similar functions, which is not in conflict with the Constitution and laws of the Commonwealth;
10. An authority created pursuant to this article and any trustee acting under any trust indenture are specifically authorized from time to time to sell, lease, grant, exchange, or otherwise dispose of any surplus property, both real and personal, or interest therein not required in the normal operation of and usable in the furtherance of the purpose for which the authority was created, except as such right and power may be limited as provided in § 53.1-95.8 hereof;
11. To sue and be sued in its own name, plead and be impleaded;
12. To adopt, amend, or repeal bylaws, rules, and regulations, not inconsistent with this article or the general laws of the Commonwealth, for the regulation of its affairs and the conduct of its business and to carry into effect its powers and purposes;
13. To do all things necessary or convenient to carry out the powers expressly given in this article.

§ 53.1-95.8. Authority of superintendent and jail officers; oath and bond.

The superintendent appointed by an authority created pursuant to this article to administer its correctional facility shall have and exercise the same control and authority over the prisoners committed or transferred to such facility as the sheriffs of this Commonwealth have by law over the prisoners committed or transferred to their jails.

During the term of their appointment, the superintendent and ~~guards~~ *jail officers* are hereby vested

with the powers and authority of a conservator of the peace (i) within the limits of such correctional facility and within one mile thereof and (ii) in conveying prisoners to and from such facility.

Before entering upon the duties of their office, the superintendent and ~~guards~~ *jail officers* shall take and subscribe the oath prescribed by § 49-1 of the Code of Virginia. An authority created pursuant to this article may require the superintendent or ~~guards~~ *jail officers* or both to give bond in such penalty and with such security as the authority may prescribe, conditioned upon the faithful discharge of the duties of their offices.

§ 53.1-106. Members of jail or jail farm board or regional jail authority; powers; payment of pro rata costs.

A. Each regional jail or jail farm shall be supervised and managed by a board to consist of at least one representative from each political subdivision participating therein who shall be appointed by the local governing body thereof. The sheriff and any member of the local governing body of each participating political subdivision shall be eligible for appointment to the jail or jail farm board or regional jail authority. However, when a participating political subdivision appoints more than one representative to a regional jail or jail farm board, the sheriff shall be appointed unless the sheriff is the administrator or superintendent of a correctional facility supervised and managed by the board.

When a political subdivision appoints only one representative to the regional jail or jail farm board or other correctional authority, and no political subdivision appoints a sheriff to the board, the board shall, by majority vote, appoint a sheriff of one of the participating subdivisions a member of the board with all powers of a board member. The sheriff so appointed shall serve for four years or until a participating subdivision selects a sheriff as its board member, whichever shall occur first.

B. The board shall have the power to:

1. Establish rules and regulations governing the operation of the jail or jail farm not inconsistent with standards of the State Board of Corrections;

2. Purchase land for the jail or jail farm for joint ownership by the participating political subdivisions with the approval of the local governing bodies;

3. Provide for all necessary stock, equipment and structures for the jail or jail farm within the budget approved therefor by the participating political subdivisions; and

4. Appoint a superintendent of such jail or jail farm and necessary ~~guards~~ *jail officers* therefor who shall serve at the pleasure of the board.

The political subdivisions establishing a regional jail or jail farm shall pay their pro rata costs for land, stock, equipment and structures.