

LD0716260

## HOUSE BILL NO. 1207

Offered January 25, 1994

A BILL to amend and reenact §§ 53.1-42 and 53.1-60 of the Code of Virginia, relating to disposition of inmate wages.

Patrons—Clement, Callahan, Christian, Croshaw, Hall, Miller and Robinson

Referred to Committee on Health, Welfare and Institutions

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

**1. That §§ 53.1-42 and 53.1-60 of the Code of Virginia are amended and reenacted as follows:**

§ 53.1-42. Allowance for work and disposition thereof.

Every prisoner committed and transferred to the Department and thereafter confined for the sentence for which he was committed in a state or local correctional facility shall be allowed an amount to be established by the Board for each day of labor satisfactory to the superintendent or sheriff in whose charge he is. ~~The allowance so made~~ *Distribution of such wages shall be made for the following purposes: (a) to pay an amount to defray the cost of his keep; (b) to provide support and maintenance for his dependents or to make payments to the local department of welfare or social services or the Commissioner of Social Services, as appropriate, on behalf of dependents who are receiving public assistance as defined in § 63.1-87; (c) to meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order; or (d) to pay any fines, restitution or costs as ordered by the court. Any balance shall accumulate and be paid over to the prisoner upon discharge, except that an amount thereof to be determined by the Board may be drawn upon by the prisoner for such purposes as may be authorized by the regulations of the Board.*

For the purposes of this section only, the phrase "transferred to the Department" means (i) the actual physical receipt by the Department of a prisoner in a state correctional facility or (ii) the complete processing by the Department of a prisoner for the purposes of classifying the person as a state prisoner whether or not the person is physically received into a state correctional facility.

§ 53.1-60. Extending limits of confinement of state prisoners for work and educational programs; disposition of wages; support of certain dependents; penalties for violations.

A. The Director is authorized to establish work release programs, subject to such rules and regulations as the Board may prescribe, whereby (i) a prisoner who is proficient in any trade or occupation and whom the Director is satisfied is trustworthy, may be approved for employment by private individuals, corporations or state agencies at places of business, or (ii) a prisoner whom the Director is satisfied is trustworthy and capable of receiving substantial benefit from educational and other related community activity programs that are not available within a state correctional facility may attend such programs outside of the correctional facility, without a correctional officer during any hour of the day or night. Such prisoner shall travel directly to, from or be in authorized attendance or employment at such place of business, educational or related community activity program.

B. The Director is authorized to arrange for the temporary care of prisoners who are deemed capable of participation in the programs established herein in approved local or community correctional facilities. The hours of employment or attendance shall be arranged by the Director. In the event of a legally sanctioned strike at the prisoner's place of employment, the prisoner in the work release program shall be withdrawn from the employment for the duration of the strike.

C. The compensation for such employment shall be arranged by the Director and shall be the same as that of regular employees in similar occupations. Any wages earned shall be paid to the Director. The Director ~~may~~ shall deduct from such wages an amount to:

1. defray the prisoner's keep; and
2. pay travel and other such expenses made necessary by his work release employment or participation in an educational or rehabilitative program, including the sums specified in § 53.1-150;
3. meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order; or
4. pay any fines, restitution or costs as ordered by the court.

The balance shall be credited to the prisoner's account or sent to his family in an amount the prisoner so chooses.

D. When a person sentenced to the Department is subject to a judicial or administrative order to provide support, the Director shall withhold from the earnings of the prisoner the amount so ordered and disburse the same according to the terms of the order.

E.D. Any prisoner who has been placed in any of the programs authorized herein shall, while outside

INTRODUCED

HB1207

60 the state correctional facility or approved local or community correctional facility to which he is  
61 assigned, be deemed to be in custody whether or not he is under the supervision of a correctional  
62 officer. If the prisoner, without proper authority or without just cause, leaves the area in which he has  
63 been directed to work or to attend educational or community activity programs, or the vehicle or route  
64 involved in his traveling to or from such place or program, he may be found guilty of escape as  
65 provided for in § 18.2-477 as though he had left the state, local or community correctional facility itself,  
66 or, if there are mitigating circumstances or the culpability of the prisoner is minimal, he may be found  
67 guilty of a Class 2 misdemeanor.

68 *F.E.* The Director and any sheriff or other administrative head of any local correctional facility are  
69 authorized to enter into agreements whereby persons committed to the Department, whether such persons  
70 are housed in a state or local correctional facility, and who meet the Department's standards for such  
71 release may participate in local work release programs or in educational or other rehabilitative programs  
72 operating pursuant to § 53.1-131. Any person so placed shall be governed by the rules and regulations  
73 applicable to local work release programs.

74 *G.F.* The provisions of § 53.1-131 shall apply to any person convicted of a felony but confined in  
75 jail pursuant to § 53.1-20 and participating in work, rehabilitation, or education programs.