

LD4322152

HOUSE BILL NO. 1207

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on February 10, 1994)

(Patron Prior to Substitute—Delegate Clement)

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

Be it enacted by the General Assembly of Virginia:

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

§ 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of a legally sanctioned strike at the prisoner's place of employment, the prisoner in the work release program shall be withdrawn from the employment for the duration of the strike.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 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; and*
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 the state correctional facility or approved local or community correctional facility to which he is assigned, be deemed to be in custody whether or not he is under the supervision of a correctional officer. If the prisoner, without proper authority or without just cause, leaves the area in which he has been directed to work or to attend educational or community activity programs, or the vehicle or route involved in his traveling to or from such place or program, he may be found guilty of escape as provided for in § 18.2-477 as though he had left the state, local or community correctional facility itself, or, if there are mitigating circumstances or the culpability of the prisoner is minimal, he may be found guilty of a Class 2 misdemeanor.

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

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