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HOUSE BILL NO. 2152

Offered January 23, 1995

A BILL to amend and reenact §§ 53.1-133.1 through 53.1-133.5 of the Code of Virginia, relating to jail industry programs.

Patron—Almand

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-133.1 through 53.1-133.6 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-133.1. Definition.

As used in this article unless the context requires otherwise or it is otherwise provided, the term "jail industry program" means a program established ~~within a local correctional facility by a sheriff or jail superintendent~~ to provide employment and wage earning opportunities for persons ~~confined in the facility under his custody~~. The program may include the production of goods and provision of services which will be marketed outside the facility.

§ 53.1-133.2. Establishment of jail industry programs.

The sheriff or jail superintendent, with the approval of the local governing body, jail or jail farm board, or regional jail authority, as the case may be, is authorized to establish a jail industry program within the facility he administers *or on public property or works owned, leased or operated by the county, city, town or federal government, whether the same be located within such county, city or town or elsewhere*. Any such program shall be subject to the provisions of this article and shall not be established, operated, maintained or otherwise supported by state funds *except as provided in § 53.1-133.6*.

§ 53.1-133.3. Eligibility to participate.

Any person ~~confined in a facility which offers a jail industry program under the custody of a sheriff or jail superintendent~~ shall be eligible to participate in the *jail industry program* on a voluntary basis without regard to whether that person is awaiting disposition of charges or serving a previously imposed sentence. The sheriff or jail superintendent may establish additional eligibility criteria for participation in the program.

§ 53.1-133.4. Participant compensation.

A. The sheriff or jail superintendent shall establish an amount to be allowed each jail industry program participant for each day of labor satisfactory to the sheriff or jail superintendent. The allowance shall be paid to the sheriff or jail superintendent, or his designee, ~~after standard payroll deductions required by law~~. Distribution of a participant's allowance shall be in the same manner as provided for distribution of wages earned in a work release program pursuant to § 53.1-131. *In addition, participants working in the jail industry program may have payroll deductions withheld and may be required by the sheriff, jail superintendent or his designee to contribute to victim restitution funds and to operating costs associated with the jail industry program. The total deductions must not total more than eighty percent of the participant's gross wages. The amount so deducted shall be deposited in the jail industries revenue fund and the sheriff, jail superintendent or his designee shall make the appropriate distributions of the money withheld.* Any balance remaining at the conclusion of the participant's confinement shall be paid to the participant upon his release.

B. In addition, the sheriff or jail superintendent may establish a system of pay incentives for jail industry program participants. The system may provide for the payment of a bonus to any participant who is assigned to employment in any position of responsibility or who performs his job in an exemplary manner.

§ 53.1-133.5. Disposition of money collected and payment of expenses for jail industry program.

A. ~~All moneys collected by a sheriff from a jail industry program shall be promptly deposited into the treasury of his county or city. The total so collected shall be retained by such county or city. All moneys collected by a jail superintendent shall be promptly paid into the treasury of the regional jail authority or, if none, the body responsible for the fiscal management of the regional jail or jail farm.~~ Any county, city or town that implements a jail industry program shall authorize the sheriff, jail superintendent or his designee to establish a separate fund for the operation of the program. This fund may be a special revenue fund with continuing authority to receive income and pay expenses associated with the jail industries program. The county, city, or regional jail authority shall have the authority to audit the jail industry's special revenue fund on at least an annual basis.

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60 B. The sheriff or jail superintendent shall purchase at prices as low as reasonably possible all
61 materials or other items used in the jail industry program as may be necessary. Invoices or itemized
62 statements of account from each vendor of such materials and other items shall be obtained by the
63 sheriff or jail superintendent and presented to the governing body of the county or city or, in the case of
64 a regional jail or jail farm, the regional jail authority or, if none, that body responsible for the fiscal
65 management of the regional jail or jail farm. He shall certify on each statement or invoice that the
66 merchandise has been received and that the vendor has complied with the terms of the purchase. Such
67 certification shall be in the following words: "I hereby certify that the merchandise or service has been
68 received and that the terms of the purchase have been complied with on the part of the vendor. The
69 merchandise or service has been or will be used solely for the jail industry program." If any county or
70 city has a purchasing agent, the *The* local governing body may require all such purchases to be made by
71 or through the purchasing agent *pursuant to local purchasing regulations.*