LD6067753

SENATE BILL NO. 797

Senate Amendments in [ ] — January 31, 1995

A BILL to amend and reenact §§ 35.1-1, 53.1-68 and 53.1-127 of the Code of Virginia, relating to standards and inspections of local correctional facilities.

Patrons—Walker, Andrews, Gartlan and Holland, R.J.; Delegates: Ball, Callahan, Councill, DeBoer, Dickinson, Hall, Miller, Murphy and Putney

Referred to the Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 35.1-1, 53.1-68 and 53.1-127 of the Code of Virginia are amended and reenacted as follows:

§ 35.1-1. Definitions.

As used in this title unless the context requires otherwise or it is otherwise provided:

1. "Board" or "State Board" means the State Board of Health.

2. "Campground" means and includes but is not limited to a travel trailer camp, recreation camp, family campground, camping resort, camping community, or any other area, place, parcel, or tract of land, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements. "Campground" does not include a summer camp, migrant labor camp, or park for mobile homes as defined in this section and in §§ 32.1-203 and 36-71, or a construction camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines.

3. "Camping unit" means and includes a tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home, and any other device or vehicular type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.

4. "Campsite" means and includes any plot of ground within a campground used or intended for occupation by the camping unit.

5. "Commissioner" means the State Health Commissioner.

6. "Department" means the State Department of Health.

7. "Hotel" means any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including but not limited to facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes, or hostels.

8. "Person" means an individual, corporation, partnership, association, or any other legal entity.

9. "Restaurant" means any one of the following:

a. Any place where food is prepared for service to the public on or off the premises, or any place where food is served. Examples of such places include but are not limited to lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes, ~~and~~ dining accommodations of public and private schools and colleges, *and kitchen areas of local correctional facilities subject to standards adopted under § 53.1-68*. Excluded from the definition are places manufacturing packaged or canned foods which are distributed to grocery stores or other similar food retailers for sale to the public.

b. Any place or operation which prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include but are not limited to operations preparing or storing food for catering services, push cart operations, hotdog stands, and other mobile points of service. Such mobile points of service are also deemed to be restaurants unless the point of service and of consumption is in a private residence.

10. "Summer camp" means and includes any building, tent, or vehicle, or group of buildings, tents, or vehicles, if operated as one place or establishment, or any other place or establishment, public or private, together with the land and waters adjacent thereto, which is operated or used in this Commonwealth for the entertainment, education, recreation, religious instruction or activities, physical education, or health of persons under eighteen years of age who are not related to the operator of such place or establishment by blood or marriage within the third degree of consanguinity or affinity, if twelve or more such persons at any one time are accommodated, gratuitously or for compensation,

ENGROSSED

SB797E

8/9/22 17:31

overnight and during any portion of more than two consecutive days.

§ 53.1-68. Minimum standards for local correctional facilities, lock-ups and personnel, health inspections.

A. The Board shall establish minimum standards for the construction, equipment, administration and operation of local correctional facilities, whether heretofore or hereafter established. *The Board or its agents shall conduct at least one unannounced inspection of each local facility annually.* The Board shall also establish minimum standards for the construction, equipment and operation of lock-ups, whether heretofore or hereafter established.

B. Standards concerning sanitation in local correctional facilities and procedures for enforcing these standards shall be promulgated by the Board with the advice and guidance of the State Health Commissioner. ~~In addition, the~~ *The* Board, in conjunction with the Board of Health, shall establish a procedure for *the conduct of at least one unannounced annual* health inspection *by the State Health Commissioner or his agents* of ~~any~~ *each* local correctional facility. *The Board and the State Health Commissioner may authorize such other announced or unannounced inspections as they consider appropriate.*

C. The Department of Criminal Justice Services, in accordance with § 9-170, shall establish minimum training standards for persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120 and for persons employed as jail officers or custodial officers under the provisions of this title. The sheriff shall establish minimum performance standards and management practices to govern the employees for whom the sheriff is responsible.

D. The superintendent of a regional jail or jail farm shall establish minimum performance standards and management practices to govern the employees for whom the superintendent is responsible.

§ 53.1-127. Who may enter interior of local correctional facilities; searches of those entering.

A. Members of the local governing bodies which participate in the funding of a local correctional facility may go into the interior of that facility. Agents of the Board may go into the interior of any local correctional facility. *In addition, Department of Corrections staff* [~~,~~ *and*] *state and local health department staff* [~~, and state and local fire marshals~~] *shall, in the performance of their duties, have access to the interior of any local correctional facility subject to the standards promulgated pursuant to § 53.1-68.* Attorneys shall be permitted in the interior of a local correctional facility to confer with prisoners who are their clients and with prisoners who are witnesses in cases in which they are involved. ~~The~~*Except for the announced or unannounced inspections authorized pursuant to § 53.1-68 B, the* sheriff or other person in charge of the facility shall prescribe the time and conditions on which attorneys and other persons may enter the local correctional facility for which he is responsible.

B. Any person seeking to enter the interior of any local correctional facility shall be subject to a search of his person and effects. Such search shall be performed in a manner reasonable under the circumstances and may be a condition precedent to entering a correctional facility.