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HOUSE BILL NO. 538

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Mims
on February 2, 1996)

(Patron Prior to Substitute—Delegate Crouch)

A BILL to amend and reenact §§ 22.1-343 and 53.1-59 of the Code of Virginia, relating to prisoner programs.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-343 and 53.1-59 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-343. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To adopt and enforce all necessary rules and regulations for the management and operation of the schools in the Department except that the rules and regulations adopted hereunder shall not conflict with rules and regulations relating to security adopted by the institutions to which the pupils are committed;

2. To visit and inspect the schools at reasonably frequent intervals;

3. To establish schools of the appropriate grades, levels and types in the institutions comprising the Department and to adopt regulations for the admission of pupils thereto;

4. To enter into such agreements with private entities, *nonprofit civic organizations*, school divisions, and public and private two-year and four-year institutions of higher education as it may deem necessary to provide age appropriate educational programs, vocational and technical training, career development opportunities, *public service projects* and other learning experiences in the furtherance of its duties and responsibilities under this chapter for persons committed to the institutions comprising the Department;

5. To develop and administer, cooperatively with the State Council of Higher Education, the Virginia Higher Education Incentive Program, pursuant to § 23-38.53:8;

6. To receive such private gifts, donations, grants, bequests, and other private funds on behalf of and for use by the Virginia Higher Education Incentive Fund, as provided in § 23-38.53:9;

7. To name the various individual schools, but such names need not be associated or identified with the institution or facility within which they are located;

8. To receive and disburse funds from any source for the purposes of providing education in such Department; and

9. To provide technical assistance to local correctional facilities which house convicted state felons, upon request of any such facility, in establishing or improving vocational, technical, adult and special education programs.

§ 53.1-59. Prisoners performing work for localities and state agencies; payment of costs; foremen as guards.

The Director is authorized to enter into agreements with the proper authorities of any state agency, county, city, town, ~~or~~ local commission *or nonprofit civic organization* in the Commonwealth to build and maintain roads and streets and to perform such other public works as he may approve. The state agency, county, town, city, ~~or~~ local commission *or nonprofit civic organization* for which such work is performed ~~shall~~ *may be required* to pay to the Department in monthly installments such sum as is necessary to cover the costs of work done by such prisoners at the rate specified in the agreement authorized by § 53.1-57.

The state agency, county, town, city, ~~or~~ local commission *or nonprofit civic organization* that has the use of prison labor authorized by this section shall designate the projects to be worked. It ~~shall~~ *may be required* to furnish all engineering service, tools, implements, machinery and equipment used in such projects; shall secure rights-of-way; and shall furnish such foremen as the Director deems necessary and acceptable to direct the work. The Director may authorize such persons employed as foremen to carry firearms in accordance with § 53.1-29.

Fifteen days prior to a prisoner's participation in the program, the Director shall give the chief of police, sheriff or local chief law-enforcement official of the locality in which the prisoner will work, *written* notice of the prisoner's participation. Such notice shall include the name, address and criminal history of the prisoner in addition to other information the chief of police or such officer may request.

A copy of such notice shall be provided to the attorney for the Commonwealth and the governing body where the work is to be performed. The transmission of information shall be confidential and not subject to the Virginia Freedom of Information Act (§ 2.1-340 et seq.). *Upon request, the Director shall provide notice to the victim of a prisoner's participation in the program in accordance with § 53.1-133.02.*