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HOUSE BILL NO. 985**FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by Senator Stolle
on February 29, 2000)

(Patron Prior to Substitute—Delegate Rhodes)

A BILL to amend and reenact § 53.1-1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 53.1-25.1, relating to state correctional facilities; emergency.

Be it enacted by the General Assembly of Virginia:**1. That § 53.1-1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 53.1-25.1 as follows:**

§ 53.1-1. Definitions.

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

"Board" or "State Board" means the State Board of Corrections.

"Community correctional facility" means any group home, halfway house or other physically unrestricting facility used for the housing, treatment or care of adult offenders established or operated with funds appropriated to the Department of Corrections from the state treasury and maintained or operated by any political subdivision, combination of political subdivisions or privately operated agency within the Commonwealth.

"Community supervision" means probation, parole, post-release supervision, programs authorized under the Comprehensive Community Corrections Act for local responsible offenders, and programs authorized under Article 7 (§ 53.1-128 et seq.) of Chapter 3 of this title.

"Correctional officer" means a duly sworn employee of the Department of Corrections whose normal duties relate to maintaining immediate control, supervision and custody of prisoners confined in any state correctional facility.

"Department" means the Department of Corrections.

"Deputy sheriff" means a duly sworn officer appointed by a sheriff pursuant to § 15.2-1603 whose normal duties include, but are not limited to, maintaining immediate control, supervision and custody of prisoners confined in any local correctional facility and may include those duties of a jail officer.

"Director" means the Director of the Department of Corrections.

"Jail officer" means a duly sworn employee of a local correctional facility, except for deputy sheriffs, whose normal duties relate to maintaining immediate control, supervision and custody of prisoners confined in any local correctional facility. This definition in no way limits any authority otherwise granted to a duly sworn deputy sheriff whose duties may include those of a jail officer.

"Local correctional facility" means any jail, jail farm or other place used for the detention or incarceration of adult offenders, excluding a lock-up, which is owned, maintained or operated by any political subdivision or combination of political subdivisions of the Commonwealth.

"Lock-up" means a facility whose primary use is to detain persons for a short period of time as determined by the Board.

"State correctional facility" means any correctional center or correctional field unit used for the incarceration of adult offenders established and operated by the Department of Corrections, *or operated under contract pursuant to § 53.1-262*. This term shall include "penitentiary" whenever used in this title or other titles of the Code.

§ 53.1-25.1. *Rules of state correctional facilities.*

The Director shall prescribe rules for state correctional facilities to ensure that, when physical contact is required between an officer and an inmate and when the inmate is required by circumstances to disrobe, the officer shall be the same gender as the inmate. However, such rules may allow for the suspension of the provisions of this section during the period of a declared emergency.

2. That an emergency exists and this act is in force from its passage.