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HOUSE BILL NO. 218

Offered January 11, 2006

Prefiled January 3, 2006

A BILL to amend and reenact §§ 53.1-105, 53.1-106, 53.1-106.1, 53.1-107, and 53.1-112 of the Code of Virginia, relating to regional jails.

Patron—Jones, D.C.

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-105, 53.1-106, 53.1-106.1, 53.1-107, and 53.1-112 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-105. County and city regional jail or jail farm; persons who may be confined; release and transfer of prisoners.

Any combination of two or more counties or cities, *or a city and the state*, may establish, maintain and operate a regional jail or jail farm. Any person convicted and sentenced to confinement in the jail or jail farm of such county or city or sentenced to a state correctional facility may be confined in a regional jail farm and required to do work as may be assigned him during the term of his sentence. Any regional jail may be used to hold or confine any person who could lawfully be held or confined in a jail operated and maintained separately.

Subject to the provisions of § 53.1-113 and in the absence of private transportation arranged by the prisoner, any prisoner, after having completed a term of incarceration and upon release from a regional jail operated within Planning District Four, shall be transported by such regional jail to the locality where the prisoner was arrested or convicted.

§ 53.1-106. Members of jail or jail farm board or regional jail authority; powers; payment of pro rata costs.

A. Each regional jail or jail farm shall be supervised and managed by a board or authority to consist of at least the sheriff from each participating political subdivision, and one representative from each political subdivision participating therein who shall be appointed by the local governing body thereof. *Where a regional jail or jail farm is established by a city and the state, the managing board or authority shall consist of the State Board of Corrections, the sheriff of the city, and one representative from the city to be appointed by its local governing body.* Any member of the local governing body of each participating political subdivision shall be eligible for appointment to the jail or jail farm board or regional jail authority. However, no one shall serve as a member of the board or authority who serves as an administrator or superintendent of a correctional facility supervised and managed by the board.

Alternate members may be appointed to the board. Such alternate members shall be selected in the same manner as regular members, except that a sheriff may appoint his own alternate. The term of each alternate shall be determined by the sheriff or the political subdivision, whichever appointed the alternate. If a regular member is not present at a meeting of the board, the alternate for that member shall have all the voting and other rights of a regular member and shall be counted for purposes of determining a quorum at any meeting.

B. The board shall have the power to:

1. Establish rules and regulations governing the operation of the jail or jail farm not inconsistent with standards of the State Board of Corrections;

2. Purchase land for the jail or jail farm for joint ownership by the participating political subdivisions with the approval of the local governing bodies;

3. Provide for all necessary stock, equipment and structures for the jail or jail farm within the budget approved therefor by the participating political subdivisions; and

4. Appoint a superintendent of such jail or jail farm and necessary jail officers therefor who shall serve at the pleasure of the board.

The political subdivisions, *or a city and the state*, establishing a regional jail or jail farm shall pay their pro rata costs for land, stock, equipment and structures.

§ 53.1-106.1. Location of jail facilities.

No regional jail or jail farm board or authority created by any combination of two or more counties or cities, *or by a city and the state*, whether pursuant to this article or Article 3.1 (§ 53.1-95.2 et seq.) of this chapter, or an Act of Assembly, shall locate a jail or jail farm in a political subdivision which is not a participating political subdivision in the board or authority unless the governing body of the nonparticipating political subdivision grants express consent to such location.

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HB218

59 § 53.1-107. Organization of board; annual report.

60 The regional jail or jail farm board shall elect a chairman and secretary.

61 The board shall submit annually to ~~the~~ *each* participating political subdivisions *subdivision, and to*
62 *the state if the state is a participating governmental entity*, a report showing its activities; a budget,
63 which shall include all revenues, expenditures and employee compensation schedules; and other similar
64 data.

65 § 53.1-112. Jail or jail farm expenses.

66 Except as provided in § 53.1-114, the expenses of operating and maintaining a jail or jail farm and
67 supporting the prisoners working thereon, including board, clothing and medical attention, shall be borne
68 by the participating political subdivisions, *and by the state if the state is a participating governmental*
69 *entity*. Such participation shall be based on the percentage of the total cost for such operation that the
70 number of prisoner days bears to the total number of prisoner days confined therein, plus their
71 proportionate part of the fixed cost for such maintenance and operation.