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SENATE BILL NO. 923

Offered January 12, 2011

Prefiled January 10, 2011

A *BILL to amend and reenact § 53.1-131 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 53.1-43.1, relating to inmate savings accounts.*

Patron—McDougle

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-131 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 53.1-43.1 as follows:

§ 53.1-43.1. Inmate savings accounts.

In addition to any other account established to hold funds for inmates, the Department shall establish for each inmate a personal savings account. Unless an inmate has been sentenced to be executed or is serving a sentence of life without the possibility of parole, 10 percent of any funds received by an inmate from any source shall be deposited by the Department in the inmate's personal savings account until the account has a balance of \$1,000. When the inmate's personal savings account reaches \$1,000, any funds received by the inmate shall be deposited in the inmate's other account.

An inmate may direct the Department at any time to deposit a portion or all of any funds received by him in the inmate's personal savings account. After the balance of a personal savings account has exceeded \$1,000, an inmate may direct the Department to transfer funds from his personal savings account to any other account maintained for him; provided that the balance of the personal savings account shall not fall below \$1,000.

Funds in an inmate's personal savings account shall be paid to the inmate upon parole or final discharge.

§ 53.1-131. Provision for release of prisoner from confinement for employment, educational or other rehabilitative programs; escape; penalty; disposition of earnings.

A. Any court having jurisdiction for the trial of a person charged with a criminal offense or charged with an offense under Chapter 5 (§ 20-61 et seq.) of Title 20 may, if the defendant is convicted and (i) sentenced to confinement in jail or (ii) being held in jail pending completion of a presentence report pursuant to § 19.2-299, and if it appears to the court that such offender is a suitable candidate for work release, assign the offender to a work release program under the supervision of a probation officer, the sheriff or the administrator of a local or regional jail or a program designated by the court. The court further may authorize the offender to participate in educational or other rehabilitative programs designed to supplement his work release employment. The court shall be notified in writing by the director or administrator of the program to which the offender is assigned of the offender's place of employment and the location of any educational or rehabilitative program in which the offender participates.

Any person who has been sentenced to confinement in jail or who has been convicted of a felony but is confined in jail pursuant to § 53.1-20, in the discretion of the sheriff may be assigned by the sheriff to a work release program under the supervision of the sheriff or the administrator of a local or regional jail. The sheriff may further authorize the offender to participate in educational or other rehabilitative programs as defined in this section designed to supplement his work release employment. The court that sentenced the offender shall be notified in writing by the sheriff or the administrator of a local or regional jail of any such assignment and of the offender's place of employment or other rehabilitative program. The court, in its discretion, may thereafter revoke the authority for such an offender to participate in a work release program.

The sheriff and the Director may enter into agreements whereby persons who are committed to the Department, whether such persons are housed in a state or local correctional facility, and who have met all standards for such release, may participate in a local work release program or in educational or other rehabilitative programs as defined in this section. The administrator of a regional jail and the Director may also enter into such agreements where such agreements are approved in advance by a majority of the sheriffs on the regional jail board. All persons accepted in accordance with this section shall be governed by all regulations applying to local work release, notwithstanding the provisions of any other section of the Code. Local jails shall qualify for compensation for cost of incarceration of such persons pursuant to § 53.1-20.1, less any payment for room and board collected from the inmate.

If an offender who has been assigned to such a program by the court is in violation of the rules of the jail pursuant to § 53.1-117, the sheriff or jail administrator may remove the offender from the work

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59 release program, either temporarily or for the duration of the offender's confinement. Upon removing an
60 offender from the work release program, the sheriff or jail administrator shall notify in writing the court
61 that sentenced the offender and indicate the specific violations that led to the decision.

62 Any offender assigned to such a program by the court or sheriff who, without proper authority or
63 just cause, leaves the area to which he has been assigned to work or attend educational or other
64 rehabilitative programs, or leaves the vehicle or route of travel involved in his going to or returning
65 from such place, is guilty of a Class 1 misdemeanor. In the event such offender leaves the
66 Commonwealth, the offender may be found guilty of an escape as provided in § 18.2-477. An offender
67 who is found guilty of a Class 1 misdemeanor in accordance with this section shall be ineligible for
68 further participation in a work release program during his current term of confinement.

69 The Board shall prescribe regulations to govern the work release, educational and other rehabilitative
70 programs authorized by this section.

71 Any wages earned pursuant to this section by an offender may, upon order of the court, be paid to
72 the director or administrator of the program after standard payroll deductions required by law.
73 Distribution of such wages shall be made for the following purposes:

74 1. To pay an amount to defray the cost of his keep;
75 2. To pay travel and other such expenses made necessary by his work release employment or
76 participation in an educational or rehabilitative program;

77 3. To provide support and maintenance for his dependents or to make payments to the local
78 department of social services or the Commissioner of Social Services, as appropriate, on behalf of
79 dependents who are receiving public assistance or social services as defined in § 63.2-100; or

80 4. To pay any fines, restitution or costs as ordered by the court; or

81 ~~Any balance at the end of his sentence shall be paid to the offender upon his release.~~

82 5. *Unless the offender is serving a sentence of death or life without the possibility of parole, 10*
83 *percent of the remaining balance shall be paid to the offender's personal savings account within the*
84 *correctional facility until the offender's account has a balance of \$1,000. Once the offender's personal*
85 *savings account balance reaches \$1,000, the income otherwise distributed to the offender's savings*
86 *account under this subdivision shall be distributed to the offender. Funds in the offender's personal*
87 *savings account shall be paid to the offender upon parole or final discharge.*

88 B. For the purposes of this section:

89 "Educational program" means a program of learning recognized by the State Council of Higher
90 Education, the State Board of Education or the State Board of Corrections.

91 "Rehabilitative program" includes an alcohol and drug treatment program, mental health program,
92 family counseling, community service or other community program approved by the court having
93 jurisdiction over the offender.

94 "Sheriff" means the sheriff of the jurisdiction where the person charged with the criminal offense was
95 convicted and sentenced, provided that the sheriff may designate a deputy sheriff or regional jail
96 administrator to assign offenders to work release programs under this section.

97 "Work release" means full-time employment or participation in suitable career and technical
98 education programs.
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