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HOUSE BILL NO. 83

Offered January 10, 2018

Prefiled December 7, 2017

A BILL to amend and reenact §§ 53.1-32 and 53.1-131.3 of the Code of Virginia, relating to feminine hygiene products; no cost to female prisoners or inmates.

Patrons—Kory, Ayala, Boysko, Convirs-Fowler, Hurst, Keam, Peace, Plum, Rasoul, Rodman, Roem and Tran; Senator: Favola

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-32 and 53.1-131.3 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-32. Treatment and control of prisoners; recreation; religious services.

A. It shall be the general purpose of the state correctional facilities to provide proper employment, training and education in accordance with this title, medical and mental health care and treatment, discipline and control of prisoners committed or transferred thereto. The health service program established to provide medical services to prisoners shall provide for appropriate means by which prisoners receiving nonemergency medical services may pay fees based upon a portion of the cost of such services. In no event shall any prisoner be denied medically necessary service due to his inability to pay. *Feminine hygiene products, including sanitary napkins, sanitary pads, and tampons, shall be provided to female prisoners without charge.* The Board shall promulgate regulations governing such a program.

B. The Department of Corrections shall establish and maintain a treatment program for prisoners convicted pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 and committed to its custody. The program shall include a clinical assessment of all such prisoners upon receipt into the custody of the Department of Corrections and the development of appropriate treatment plans, if indicated. A licensed psychiatrist or licensed clinical psychologist who is experienced in the diagnosis, treatment, and risk assessment of sex offenders shall oversee the program and the program shall be administered by a licensed psychiatrist, licensed clinical psychologist, or a licensed mental health professional who is a certified sex offender treatment provider as defined in § 54.1-3600.

C. The Director shall provide a program of recreation for prisoners. The Director may establish, with consultation from the Department of Behavioral Health and Developmental Services, a comprehensive substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and may make such program available to any prisoner requiring the services provided by the program.

D. The Director or his designee who shall be a state employee is authorized to make arrangements for religious services for prisoners at times as he may deem appropriate. When such arrangements are made pursuant to a contract or memorandum of understanding, the final authority for such arrangements shall reside with the Director or his designee.

§ 53.1-131.3. Payment of costs associated with prisoners' keep.

Any sheriff or jail superintendent may establish a program to charge inmates a reasonable fee, not to exceed \$3 per day, to defray the costs associated with the prisoners' keep. *Feminine hygiene products, including sanitary napkins, sanitary pads, and tampons, shall be provided to female inmates without charge.* The Board shall develop a model plan and adopt regulations for such program, and shall provide assistance, if requested, to the sheriff or jail superintendent in the implementation of such program. Such funds shall be retained in the locality where the funds were collected and shall be used for general jail purposes; however, in the event the jail is a regional jail, funds collected from any such fee shall be retained by the regional jail. Any person jailed for an offense they are later acquitted for shall be refunded any such fees paid during their incarceration.

INTRODUCED

HB83