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SENATE BILL NO. 1023

Offered January 17, 2020

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 53.1 a section numbered 53.1-1.2, relating to state and local correctional facilities; visitation policies.

Patrons—Peake and McClellan

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 53.1 a section numbered 53.1-1.2 as follows:

§ 53.1-1.2. Visitation policies.

The following procedures regarding individuals who are physically present at a state or local correctional facility for the purpose of visiting a prisoner shall apply:

1. Upon entry into a state or local correctional facility, visitors shall be informed of the items that they are not permitted to bring into the facility and the items that they are permitted to bring into the facility.

2. If an item that is otherwise legal for the visitor to possess is not permitted in the facility, the item may be placed in the possession of facility employees for the duration of the visit and returned to the visitor upon leaving the facility.

3. If equipment is available, visitors shall be scanned or wanded, or both, by a metal detector.

4. If detector canines are available, visitors shall be subjected to a detector canine search.

5. If the detector canine search, scanning, or wandling does not indicate any contraband and the visitor is otherwise eligible to visit, the visitor shall be allowed a visit with the prisoner that allows personal contact.

6. If the detector canine search indicates the possibility of contraband, the visitor shall have the option of consenting to a search of his person. If the visitor does not consent to a search of his person after a detector canine indicates the possibility of contraband and the visitor is otherwise eligible to visit, he shall be allowed a visit with the prisoner that does not allow personal contact.

7. No search of the person shall be made on a person under the age of 18. If a detector canine search, scanning, or wandling of a minor indicates the presence of contraband and the minor is otherwise eligible to visit, the minor shall be allowed a visit with the prisoner that does not allow personal contact.

8. A visitor shall be allowed to leave the correctional facility and discontinue the search process prior to the discovery of contraband. A visitor shall not be barred from future visits because he stops a search prior to the discovery of contraband or refuses to be searched. Prison personnel shall not use the search procedure or search results as a threat to bar future visits. The sheriff, warden, superintendent or other person in charge of the facility shall ensure that corrections personnel do not use the search procedure or search results as a threat to bar future visits.

INTRODUCED

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