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SENATE BILL NO. 1089

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on March 5, 2020)

(Patron Prior to Substitute—Senator Morrissey)

A *BILL to amend and reenact § 53.1-30 of the Code of Virginia, relating to visiting state correctional facilities; strip searches of those entering.*

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-30 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-30. Who may enter interior of state correctional facilities; searches of those entering.

A. The Governor, members of the General Assembly, and members of the Board of Corrections may go into the interior of any state correctional facility. Attorneys shall be permitted in the interior of a state correctional facility to confer with prisoners who are their clients and with prisoners who are witnesses in cases in which they are involved. The Director shall prescribe, subject to approval of the Board, the time and conditions on which attorneys and other persons may enter any state correctional facility.

B. The Department shall promulgate a policy to assist a person who was a victim of a crime committed by an offender incarcerated in any state correctional facility to visit with such offender. Such policy may include provisions necessary to preserve the safety and security of those at such visit and the good order of the facility, including consideration of the offender's security level, crime committed, and institutional behavior of the offender. The Department shall make whatever arrangements are necessary to effectuate such a visit. This subsection shall not apply to juvenile victims.

C. Any person seeking to enter the interior of any state correctional facility shall be subject to a search of his person and effects. Such search shall be performed in a manner reasonable under the circumstances and may be a condition precedent to entering a correctional facility. *However, no child under the age of 18 shall be strip searched or subjected to a search of any body cavity under any circumstances.*

D. *The Department may not permanently ban any person, or insinuate that any person will be permanently banned, from seeking entrance to a state correctional facility on the basis of such person's refusal to consent to a strip search or a search of any body cavity when such person is seeking to enter the interior of any state correctional facility. If a person refuses to consent to a strip search or a search of any body cavity when such person is seeking to enter the interior of any state correctional facility, the Department may deny such person entry to the facility, unless otherwise provided by law, but may not deny such person any future entry on the basis of a prior refusal to consent.*