

## Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** SB1023 ER

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

2. **Patron:** Peake

3. **Committee:** Passed both houses

4. **Title:** Local and state correctional facilities; visitation.

5. **Summary:** This bill sets guidelines for visitation and search policies for state correctional facilities. The bill requires that visitors must 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. The bill provides that any items that are not permitted in the facility may be left in the possession of facility employees, if the facility is able to store such items, and returned to the visitor upon leaving the facility.

The bill allows for visitors to be scanned or wanded by an electronic scanning or detection device, or both. Further, if detector canines are available, visitors are subject to canine searches. If, during the search, no contraband is indicated and the visitor is otherwise eligible to visit, the bill requires that the visitor be permitted a visit with the prisoner that allows personal contact. However, if the detector canine search, scanning or wandling indicates the possibility of contraband, the visitor must have the option of consenting to a search of his person. If the visitor does not consent to a search of his person after only a detector canine search indicates the possibility of contraband and the visitor is otherwise eligible to visit, he must be allowed a visit with the prisoner that does not allow personal contact. If the visitor does not consent to a search of his person after scanning or wandling indicates the possibility of contraband, the Department may deny the visitor entry into the facility in accordance with the operating procedures regarding visiting privileges as authorized by § 53.1-30, which governs who may enter state correctional facilities and the searches of those entering.

The bill allows a visitor to leave the correctional facility and discontinue the search process prior to the discovery of contraband. In these cases, a visitor may not be barred from future visits because he stops a search prior to the discovery of contraband or refuses to be searched. The bill prohibits prison personnel from using the search procedure or search results as a threat to bar future visits. The superintendent, warden, or other person in charge of the facility must ensure that corrections personnel do not use the search procedure or search results as a threat to bar future visits.

Under current law, any person seeking to enter the interior of any state correctional facility is subject to a search of his person and effects, performed in a manner reasonable under the

circumstances, as a condition of entering the facility. The bill prohibits strip searches and body cavity searches of children under the age of 18 under any circumstances.

The bill also prohibits the Department of Corrections (DOC) from permanently banning any person, or insinuating 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 cavity search. The bill allows the DOC to deny entry to someone who refuses to consent to a strip search or a cavity search but the DOC may not deny such person future entry on the basis of a prior refusal to consent.

- 6. Budget Amendment Necessary:** No
- 7. Fiscal Impact Estimates:** Final. See Item 8 below.
- 8. Fiscal Implications:** According to the Department of Corrections, this bill is not expected to have a fiscal impact on agency operations.
- 9. Specific Agency or Political Subdivisions Affected:** Department of Corrections
- 10. Technical Amendment Necessary:** None
- 11. Other Comments:** None