

24106920D

## HOUSE BILL NO. 912

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety  
on February 2, 2024)

(Patron Prior to Substitute—Delegate Shin)

A BILL to amend and reenact §§ 53.1-115.2, 53.1-127.1, and 53.1-127.2 of the Code of Virginia, relating to stores and telephone systems in local correctional facilities; fees.

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-115.2, 53.1-127.1, and 53.1-127.2 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-115.2. Establishment of stores in regional jails and regional jail farms.

The superintendent of a regional jail or regional jail farm may, with the approval of the governing regional jail or jail farm board or jail authority, provide for the establishment and operation of stores or commissaries in regional jail or regional jail farm facilities to deal in such articles as he deems proper. The net profits from the operation of such stores shall be used within each facility respectively for educational, recreational, or other beneficial purposes as may be prescribed by the superintendent or medical purposes for the benefit of the inmates to include behavioral health, substance abuse, and rehabilitative services for the benefit of inmates and may be expended to pay for the training, salaries, and benefits of employees or contractors whose primary job is to provide such programs and services to the inmates.

§ 53.1-127.1. Establishment of stores in local correctional facilities.

Each sheriff who operates a correctional facility is authorized to provide for the establishment and operation of a store or commissary to deal in such articles and services as he deems proper. The net profits from the operation of such store that are generated from the inmates' accounts shall be used within the facility for educational, recreational or other medical purposes for the benefit of the inmates as may be prescribed by the sheriff to include behavioral health, substance abuse, and rehabilitative services for the benefit of inmates and may be expended to pay for the training, salaries, and benefits of employees or contractors whose primary job is to provide such programs and services to the inmates. Any other profits may be used for the general operation of the sheriff's office. The sheriff shall be the purchasing agent in all matters involving the commissary and nonappropriated funds received from inmates. The funds from such operation of a store or commissary and from the inmate telephone services account shall be considered public funds.

§ 53.1-127.2. Fees for telephonic communication systems and electronic visitation and messaging systems for prisoners in local correctional facilities.

Each sheriff or jail superintendent who operates a local correctional facility that utilizes a telephonic communication system, an electronic visitation system, or electronic messaging system, including Voice-over-Internet Protocol technology and web-based communication systems, for communication between prisoners and third parties is authorized to provide for the establishment and collection of a fee for the system utilized. However, no fee shall be charged for communication between prisoners and third parties within any local correctional facility or appurtenance thereto operated or controlled by the sheriff or jail superintendent. The net profits from the operation of such systems shall be used within each facility respectively for educational, recreational, or medical purposes for the benefit of the inmates to include behavioral health, substance abuse, and rehabilitative services for the benefit of inmates and may be expended to pay for the training, salaries, and benefits of employees or contractors whose primary job is to provide such programs and services to the inmates.

This section does not apply to telephonic communication systems or to electronic video and or audio communication systems used in judicial proceedings.