

HOUSE BILL NO. 621

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Kory)

A BILL to amend and reenact §§ 53.1-1.1 and 53.1-35.1 of the Code of Virginia, relating to electronic communication systems within state correctional facilities; free telephone calls and communication services.

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 53.1-1.1 and 53.1-35.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 53.1-1.1. Telephone systems within correctional facilities.**

The Department of Corrections shall ~~offer debit or prepaid telephone systems, in addition to any existing collect calling systems, which~~ provide telephone systems that allow telephone calls to be placed to the telephone number or numbers on an approved call list. Such telephone systems ~~may be established with the lowest available rates~~ shall be provided free of charge to any person receiving or initiating the telephone call.

**§ 53.1-35.1. Electronic visitation and messaging with inmates; fees.**

A. The Director is authorized to prescribe reasonable rules regarding electronic visitation systems or electronic messaging systems, including Voice-over-Internet Protocol technology and web-based communication systems, for communication between prisoners and third parties ~~and collection of a fee for the system utilized.~~ Any such electronic communication service shall be provided free of charge to the person initiating or receiving the service. Any state correctional facility that utilizes such systems shall establish such system allowing for the security needs of the facility. Any state correctional facility that utilizes such system shall not prohibit in-person visitation.

B. The Director shall establish a video visitation program that allows prisoners to communicate live with third parties through a web-based video conferencing platform. Such program shall (i) require

27 that video conferencing be made available at all state correctional facilities that house 150 or more  
28 prisoners and that at least one functioning video conferencing device is available for every 150 prisoners  
29 and (ii) ensure that video conferencing services are functioning and available seven days per week,  
30 including holidays, and no less than 12 hours per day unless such services are temporarily suspended  
31 during an active, documented institutional emergency.

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

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