

HOUSE BILL NO.1053

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on _____)

(Patron Prior to Substitute--Delegate Shin)

A BILL to amend and reenact §§ 53.1-127.1 and 53.1-127.2 of the Code of Virginia, to amend the Code of Virginia by adding in Article 6 of Chapter 3 of Title 53.1 a section numbered 53.1-127.6, and to repeal §§ 53.1-127.3, 53.1-127.5, and 53.1-131.3 of the Code of Virginia, relating to local correctional facilities; fees.

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-127.1 and 53.1-127.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 6 of Chapter 3 of Title 53.1 a section numbered 53.1-127.6, as follows:

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

A. 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 purposes for the benefit of the inmates as may be prescribed by the sheriff. Any other profits may be used for the general operation of the sheriff's office. The cost of items or services sold by such stores or commissaries, including the sale or rental of electronic devices or media, shall not exceed 20 percent of the cost of the typical market rate for such goods and services outside of the local correctional facility. The facility or sheriff's office may receive a commission of not more than 15 percent from the sale of articles and services from such store or commissary.

B. Fees charged for the receipt of funds to any inmate's account shall not exceed three percent of the amount received.

26 C. Upon discharge from a local correctional facility, inmates shall receive the balance of all
27 accounts maintained by the facility for an inmate's use. The inmate shall be given the option to receive the
28 balance by check, electronic funds transfer, or a debit or other account card. No fees shall be charged by
29 the facility or a vendor contracted by the facility to transfer funds, check account balances, or maintain or
30 close an account.

31 D. The sheriff shall be the purchasing agent in all matters involving the commissary and
32 nonappropriated funds received from inmates. The funds from such operation of a store or commissary
33 and from the inmate telephone services account shall be considered public funds.

34 **§ 53.1-127.2. Fees for electronic visitation and messaging with prisoners in local correctional**
35 **facilities.**

36 Each sheriff or jail superintendent who operates a correctional facility that utilizes an electronic
37 visitation system or electronic messaging system, including Voice-over-Internet Protocol technology and
38 web-based communication systems, for communication between prisoners and third parties is authorized
39 to provide for the establishment and collection of a fee for the system utilized. The fee shall not exceed
40 15 percent above the actual costs of establishing and operating such a system and the proceeds shall not
41 be used for any other purpose than to offset the costs of establishing and operating the system. Such
42 electronic visitation systems shall be established with the lowest available rates. Any facility that utilizes
43 such systems (i) shall establish such system allowing for the security needs of the facility and (ii) shall not
44 prohibit in-person visitation unless such in-person visitation is prohibited due to a public health
45 emergency.

46 ~~However, no~~ No fee shall be charged for communication between prisoners and third parties within
47 any local correctional facility or appurtenance thereto operated or controlled by the sheriff or jail
48 superintendent.

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

51 **§ 53.1-127.6. Telephone systems within local correctional facilities.**

52 A. Every local correctional facility shall offer telephone systems that allow telephone calls to be
53 placed to the telephone number or numbers on an approved call list. The maximum number of telephone
54 numbers permitted on an approved call list shall be no less than 20.

55 B. Each inmate shall receive up to three telephone calls per week at no cost. Such telephone calls
56 shall be no more than 20 minutes each in length. The local correctional facility may charge inmates for
57 any additional calls. The rate for any additional interstate or intrastate telephone call shall not exceed the
58 current interstate rate cap set by the Federal Communications Commission. The local correctional facility
59 may collect commissions on these additional calls not to exceed a rate of 15 percent.

60 **2. That §§ 53.1-127.3, 53.1-127.5, and 53.1-131.3 of the Code of Virginia are repealed.**

61 **3. That the provisions of this act shall become effective on July 1, 2024.**

62 **4. That the provisions of this Act shall not become effective unless reenacted by the 2023 Session of**
63 **the General Assembly.**

64 **5. That the State Board of Local and Regional Jails (the Board) shall convene a work group to study**
65 **implementation of the provisions of this act. Such work group shall consist of one Democratic**
66 **member and one Republican member of the House Committee on Public Safety and one Democratic**
67 **member and one Republican member of the Senate Committee on Rehabilitation and Social**
68 **Services. Such legislative members shall appoint as members of the work group one formerly**
69 **incarcerated person, one family member of a currently incarcerated person, and at least one**
70 **representative of the following organizations: the Virginia Sheriff's Association, the Virginia**
71 **Association of Regional Jails, the American Civil Liberties Union of Virginia, Worth Rises, Social**
72 **Action Linking Together, Justice Forward, the Sistas in Prison Reform, Americans for Prosperity,**
73 **a vendor that provides telephone services to local correctional facilities within the Commonwealth,**
74 **and a vendor that provides commissary services to local correctional facilities within the**
75 **Commonwealth. The Board shall report its findings and recommendations to the Chairmen of the**
76 **Senate Committee on Rehabilitation and Social Services and the House Committee on Public Safety**
77 **by October 1, 2022.**

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