

## SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend and reenact § 53.1-127 of the Code of Virginia and to amend the Code of Virginia by  
2 adding a section numbered 53.1-69.1, relating to deaths of inmates in local correctional facilities;  
3 review by the Board of Corrections.

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

5 **1. That § 53.1-127 of the Code of Virginia is amended and reenacted and that the Code of Virginia**  
6 **is amended by adding a section numbered 53.1-69.1 as follows:**

7 **§ 53.1-69.1. Review of death of inmates in local correctional facilities.**

8 A. The Board shall have the power to review the death of any inmate who was incarcerated in a  
9 local correctional facility at the time of his death in order to determine (i) the circumstances surrounding  
10 the inmate's death, including identifying any act or omission by the facility or any employee or agent  
11 thereof that may have directly or indirectly contributed to the inmate's death, and (ii) whether the facility  
12 was in compliance with the regulations promulgated by the Board.

13 B. Any review conducted pursuant to this section shall be performed by Department staff who  
14 have been designated by the Board to conduct such review and who shall operate as agents of the Board.  
15 In conducting a review pursuant to this section, the Board may exercise its power under § 53.1-6 to hold  
16 and conduct hearings, issue subpoenas, and administer oaths and take testimony thereunder.

17 C. Upon completion of any review conducted pursuant to this section, the Department staff  
18 conducting the review shall report their findings, including any failure to comply with the Board's  
19 regulations, to the Board. The Board may issue any order authorized under § 53.1-69 to correct any  
20 failure by the facility to comply with the Board's regulations. Except as otherwise required by law, the  
21 Board shall maintain as confidential any records or information obtained from a facility during the  
22 course of a review, in accordance with state and federal law. The Board shall prepare a detailed report of  
23 the findings of any review, which shall be submitted to the Governor, the General Assembly, and the  
24 Department. Such report may contain recommendations for changes to the minimum standards for the

25 construction, equipment, administration, and operation of local correctional facilities in order to prevent  
26 problems, abuses, and deficiencies in and improve the effectiveness of such facilities.

27 **§ 53.1-127. Who may enter interior of local correctional facilities; searches of those**  
28 **entering.**

29 A. Members of the local governing bodies ~~which~~ that participate in the funding of a local  
30 correctional facility may go into the interior of that facility. Agents of the Board may go into the interior  
31 of any local correctional facility. In addition, Department of Corrections staff and state and local health  
32 department staff shall, in the performance of their duties, have access to the interior of any local  
33 correctional facility subject to the standards promulgated pursuant to subsections A and B of § 53.1-68  
34 ~~A and B~~. Attorneys shall be permitted in the interior of a local correctional facility to confer with  
35 prisoners who are their clients and with prisoners who are witnesses in cases in which they are involved.  
36 Except for the announced or unannounced inspections authorized pursuant to subsections A and B of §  
37 53.1-68 ~~A and B~~ or a review conducted pursuant to § 53.1-69.1, the sheriff, jail administrator, or other  
38 person in charge of the facility shall prescribe the time and conditions under which attorneys and other  
39 persons may enter the local correctional facility for which he is responsible.

40 B. Any person seeking to enter the interior of any local correctional facility shall be subject to a  
41 search of his person and effects. Such search shall be performed in a manner reasonable under the  
42 circumstances and may be a condition precedent to entering a local correctional facility.

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