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SENATE BILL NO. 378

Offered January 10, 2024

Prefiled January 9, 2024

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

Patron—Boysko; Delegate: Shin

Referred to Committee on Finance and Appropriations

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 initiating or receiving the telephone call.~~ *The maximum number of telephone numbers permitted on an approved call list shall be no fewer than 20. A minimum ratio of one telephone per every 10 inmates shall be available within each housing unit at each correctional facility. The Department shall not receive any commission from such telephone systems.*

§ 53.1-35.1. Electronic visitation and messaging with inmates.

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 (i) prohibit in-person visitation; (ii) exclude any inmate from using the system, except for temporary, appealable disciplinary purposes in direct response to misuse of the system by an inmate; or (iii) receive any commission for installation or operation of the system. The Department may temporarily limit the use of the system during periods of heightened security or emergencies.*

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

INTRODUCED

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