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HOUSE BILL NO. 2105

Offered January 13, 2025

Prefiled January 7, 2025

A *BILL to amend and reenact § 53.1-5 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 53.1-116.2:1, relating to local correctional facilities; investigation of acts of violence; designated local law-enforcement agency.*

Patrons—Kent and Lovejoy

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-5 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 53.1-116.2:1 as follows:

§ 53.1-5. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To develop and establish operational and fiscal standards governing the operation of local, regional, and community correctional facilities;

2. To advise the Governor and Director on matters relating to corrections;

3. To make, adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth pertaining to local, regional, and community correctional facilities. The Board, when promulgating regulations and adopting any policy or guidance document related to the enforcement of any minimum standards applicable to local, regional, and community correctional facilities, shall expressly and specifically include such items in its published agenda for meetings of the Board or any of its subcommittees. No standard, policy, or guidance document may be promulgated, amended, or rescinded in entirety or in part without compliance with this article;

4. To ensure the development of programs to educate citizens and elicit public support for the activities of the Department;

5. To develop and implement policies and procedures for the review of the death of any inmate that the Board determines warrants review that occurs in any local, regional, or community correctional facility. Such policies and procedures shall incorporate the Board's authority under § 53.1-6 to ensure the production of evidence necessary to conduct a thorough review of any such death. Notwithstanding any other provision of law, the Board shall adhere to procedures of the Administrative Process Act (§ 2.2-4000 et seq.) in promulgating such policies and procedures;

6. To establish minimum standards for health care services, including medical, dental, pharmaceutical, and behavioral health services, in local, regional, and community correctional facilities and procedures for enforcing such minimum standards, with the advice of and guidance from the Commissioner of Behavioral Health and Developmental Services and State Health Commissioner or their designees. Notwithstanding any other provision of law, the Board shall adhere to procedures of the Administrative Process Act (§ 2.2-4000 et seq.) in promulgating such policies and procedures. Such minimum standards shall require that each local, regional, and community correctional facility submit a standardized quarterly continuous quality improvement report documenting the delivery of health care services, along with any improvements made to those services, to the Board. The Board shall make such reports available to the public on its website. The Board may determine that any local, regional, or community correctional facility that is accredited by the American Correctional Association or National Commission on Correctional Health Care meets such minimum standards solely on the basis of such facility's accreditation status; however, without exception, the requirement that each local, regional, and community correctional facility submit a standardized quarterly continuous quality improvement report to the Board shall be a mandatory minimum standard; ~~and~~

7. *To establish policies and procedures for sheriffs, jail superintendents or other jail administrators, or other persons in charge of a local correctional facility to designate a local law-enforcement agency to have the duty and authority to investigate any act of violence, as defined in § 19.2-297.1, that occurs within a local correctional facility, as required by § 53.1-116.2:1, including policies and procedures for entering into a memorandum of understanding with such designated local law-enforcement agency setting forth the procedures for the investigation of such acts of violence and the respective roles and responsibilities of the sheriff, jail superintendent or other jail administrator, or other person in charge of a local correctional facility and the local law-enforcement agency. Such policies and procedures shall require that upon the occurrence of an act of violence in a local correctional facility, the sheriff, jail superintendent or other jail administrator, or other person in charge of a local correctional facility shall immediately notify the designated local law-enforcement agency; and*

59 8. To report annually on or before December 1 to the General Assembly and the Governor on the results
60 of the inspections and audits of local, regional, or community correctional facilities conducted pursuant to §
61 53.1-68 and the reviews of the deaths of inmates that occur in any local, regional, or community correctional
62 facility conducted pursuant to § 53.1-69.1. The report shall include (i) a summary of the results of such
63 inspections, audits, and reviews, including any trends identified by such inspections, audits, and reviews and
64 the frequency of violations of each standard established for local, regional, or community correctional
65 facilities, and (ii) any recommendations for changes to the standards established for local, regional, or
66 community correctional facilities or the policies and procedures for conducting reviews of the death of
67 inmates to improve the operations, safety, and security of local, regional, or community correctional facilities.

68 **§ 53.1-116.2:1. Sheriffs and jail superintendents to designate local law-enforcement agency to**
69 **investigate acts of violence occurring within local correctional facilities; memorandum of understanding.**

70 *A. The sheriff, jail superintendent or other jail administrator, or other person in charge of a local*
71 *correctional facility shall designate a local law-enforcement agency to have the duty and authority to*
72 *investigate any act of violence, as defined in § 19.2-297.1, that occurs within a local correctional facility. The*
73 *investigation of any such act of violence that occurs within a local correctional facility shall be conducted by*
74 *such designated local law-enforcement agency.*

75 *B. The sheriff, jail superintendent or other jail administrator, or other person in charge of a local*
76 *correctional facility shall enter into a memorandum of understanding with such designated local law-*
77 *enforcement agency setting forth the procedures for the investigation of such acts of violence and the*
78 *respective roles and responsibilities of the sheriff, jail superintendent or other jail administrator, or other*
79 *person in charge of a local correctional facility and the local law-enforcement agency. Any such*
80 *memorandum of understanding shall include in the procedures for the investigation of such acts of violence*
81 *that (i) upon the occurrence of an act of violence in a local correctional facility, the sheriff, jail*
82 *superintendent or other jail administrator, or other person in charge of a local correctional facility shall*
83 *immediately notify the designated local law-enforcement agency and (ii) upon such notification, the local*
84 *law-enforcement agency shall immediately commence an investigation of such act of violence.*