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HOUSE BILL NO. 1392

Offered January 21, 2026

A BILL to amend and reenact § 53.1-5 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 18.2-469.1, 53.1-120.1, and 53.1-127.2:1, relating to powers and duties for operation of local and regional correctional facilities and courthouse security; attorney access to courthouses and communication and visitation with incarcerated clients; penalty.

Patrons—Keys-Gamarra, Anthony, Clark, Schmidt and Shin

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 sections numbered 18.2-469.1, 53.1-120.1, and 53.1-127.2:1 as follows:

§ 18.2-469.1. Presenting Virginia State Bar-issued bar card when license revoked or suspended; penalty.

Any attorney who has had his license to practice law in the Commonwealth suspended or revoked and who displays a Virginia State Bar-issued bar card for the purposes of holding himself out to be exempt from a security screening at the entrance of a courthouse in accordance with the provisions of § 53.1-120.1 is guilty of a Class 1 misdemeanor.

§ 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 No standard, policy, or guidance document may be promulgated, amended, or rescinded in entirety or in part without compliance with this article;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;

7. To develop and implement policies for the accommodation in local, regional, and community correctional facilities of inmate participation in telehealth appointments, which shall include policies on designating a private space for such telehealth appointments to occur; **and**

8. To develop and establish minimum standards for ensuring that attorneys have sufficient opportunities to conduct confidential visits with their clients who are held in local, regional, and community correctional

59 *facilities. Such minimum standards shall, taking into consideration facility schedules, space, personnel
60 constraints, and inmate disciplinary status, include some opportunity for visitation of clients on the weekends
61 and after 5:00 p.m.; and*

62 9. To report annually on or before December 1 to the General Assembly and the Governor on the results
63 of the inspections and audits of local, regional, or community correctional facilities conducted pursuant to
64 § 53.1-68. The report shall include (i) a summary of the results of such inspections and audits, including any
65 trends identified by such inspections and audits and the frequency of violations of each standard established
66 for local, regional, or community correctional facilities, and (ii) any recommendations for changes to the
67 standards established for local, regional, or community correctional facilities to improve the operations,
68 safety, and security of local, regional, or community correctional facilities.

69 **§ 53.1-120.1. Courthouse security; certain persons exempt from security screening.**

70 *Any sheriff who exempts courthouse employees or law-enforcement officers, or both, from any security
71 screening required to enter a courthouse within the sheriff's jurisdiction shall also exempt any attorney who
72 displays a valid Virginia State Bar-issued bar card and a government-issued identification. The sheriff shall
73 report to the appropriate law-enforcement agency and the Virginia State Bar any attorney who enters a
74 courthouse with (i) a weapon in violation of § 18.2-283.1 or (ii) any item belonging to a person who is not
75 exempt from such security screening and who would otherwise be prohibited from possessing such item
76 inside of the courthouse.*

77 **§ 53.1-127.2:1. Access to telephonic or electronic communication with attorney required.**

78 *Each sheriff or jail superintendent who operates a local correctional facility shall provide a telephonic,
79 electronic, or web-based communication system specifically for the purpose of communication between
80 prisoners and attorneys.*