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HOUSE BILL NO. 1508

Offered January 23, 2026

A BILL to amend and reenact § 53.1-10 of the Code of Virginia, relating to Department of Corrections; investigations of violations of criminal law.

Patron—Phillips

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-10 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-10. Powers and duties of Director.

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;
2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;

3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of appropriations made therefor by the General Assembly;

4. To establish and maintain a general system of schools for persons committed to the institutions and community-based programs for adults as set forth in § 53.1-67.9. Such system shall include, as applicable, elementary, secondary, postsecondary, career and technical education, adult, and special education schools.

a. The Director shall employ a Superintendent who will oversee the operation of educational and vocational programs in all institutions and community-based programs for adults as set forth in § 53.1-67.9 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall not be eligible to receive state funds appropriated for direct aid to public education.

b. When the Department employs a teacher licensed by the Board of Education to provide instruction in the schools of the correctional centers, the Department of Human Resource Management shall establish salary schedules for the teachers which endeavor to be competitive with those in effect for the school division in which the correctional center is located.

c. The Superintendent shall develop a functional literacy program for inmates testing below a selected grade level, which shall be at least at the twelfth grade level. The program shall include guidelines for implementation and test administration, participation requirements, criteria for satisfactory completion, and a strategic plan for encouraging enrollment at an institution of higher education or an accredited vocational training program or other accredited continuing education program.

d. For the purposes of this section, the term "functional literacy" shall mean those educational skills necessary to function independently in society, including, but not limited to, reading, writing, comprehension, and arithmetic computation.

e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent shall create a system for identifying prisoners with learning disabilities.

5. a. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of water or wastewater treatment services or both as necessary for the expansion or construction of correctional facilities;

b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it shall be desirable to contract with a public or private entity for the provision of community-based residential services pursuant to Chapter 5 (§ 53.1-177 et seq.), the Director shall notify the local governing body of the jurisdiction in which the facility is to be located of the proposal and of the facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such locality when an offender is placed in the facility at issue;

c. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it is necessary to transport Virginia prisoners through or to another state and for other states to transport their prisoners within the Commonwealth, the Director may execute reciprocal agreements with other states' corrections agencies governing such transports that shall include provisions allowing each

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59 state to retain authority over its prisoners while in the other state.

60 6. To accept, hold, and enjoy gifts, donations and bequests on behalf of the Department from the United
61 States government and agencies and instrumentalities thereof, and any other source, subject to the approval of
62 the Governor. To these ends, the Director shall have the power to comply with such conditions and execute
63 such agreements as may be necessary, convenient or desirable;

64 7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are
65 adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or
66 ethnicity, age, and gender of such persons, whether they are a member of a criminal gang, and the types of
67 and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such
68 data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General
69 Assembly at each regular session of the General Assembly thereafter. The report shall be submitted as
70 provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative
71 documents and reports;

72 8. To make application to the appropriate state and federal entities so as to provide any prisoner who is
73 committed to the custody of the state a Department of Motor Vehicles approved identification card that
74 would expire 90 days from issuance, a copy of his birth certificate if such person was born in the
75 Commonwealth, and a social security card from the Social Security Administration;

76 9. To forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of
77 all identified criminal gang members incarcerated in state correctional institutions. The list shall contain
78 identifying information for each criminal gang member, as well as his criminal record;

79 10. To give notice, to the attorney for the Commonwealth prosecuting a defendant for an offense that
80 occurred in a state correctional facility, of that defendant's known gang membership. The notice shall contain
81 identifying information for each criminal gang member as well as his criminal record;

82 11. To designate employees of the Department with internal investigations authority to have the same
83 power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior
84 affecting the operations of the Department. Such employees shall be subject to any minimum training
85 standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement
86 officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section
87 shall be construed to grant the Department any authority over the operation and security of local jails not
88 specified in any other provision of law. The Department shall investigate allegations of criminal behavior in
89 accordance with a written agreement entered into with the Department of State Police. *Such written*
90 *agreement shall designate the Department of State Police as the law-enforcement agency responsible for*
91 *investigating alleged serious violent incidents that result in the death of either an inmate or officer.* The
92 Department shall not investigate any action falling within the authority vested in the Office of the State
93 Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized by the
94 Office of the State Inspector General;

95 12. To prescribe and enforce rules prohibiting the possession of obscene materials, as defined in Article 5
96 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities;

97 13. To develop and administer a survey of each correctional officer, as defined in § 53.1-1, who resigns, is
98 terminated, or is transitioned to a position other than correctional officer for the purpose of evaluating
99 employment conditions and factors that contribute to or impede the retention of correctional officers;

100 14. To promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to
101 effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 for human research, as defined in
102 § 32.1-162.16, to be conducted or authorized by the Department. The regulations shall require the human
103 research committee to submit to the Governor, the General Assembly, and the Director or his designee at
104 least annually a report on the human research projects reviewed and approved by the committee and shall
105 require the committee to report any significant deviations from the proposals as approved;

106 15. To provide, pursuant to § 24.2-314, to the Division of Legislative Services, not later than July 1 of any
107 year in which the decennial census is taken and in a format specified by the Division of Legislative Services,
108 information regarding each person incarcerated in a state correctional facility on April 1 of that year. Such
109 information shall include, for each person incarcerated, (i) a unique identifier, other than his name or offender
110 identification number, assigned by the Director; (ii) his residential street address at the time of incarceration,
111 or other legal residence, if known; (iii) his race, his ethnicity as identified by him, and whether he is 18 years
112 of age or older; and (iv) the street address of the correctional facility in which he was incarcerated on April 1
113 of that year; and

114 16. To develop and implement policies for the accommodation in state correctional facilities of inmate
115 participation in telehealth appointments, which shall include policies on designating a private space for such
116 telehealth appointments to occur.