

HOUSE BILL NO. 1392

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on _____)

(Patron Prior to Substitute—Delegate Keys-Gamarra)

A *BILL* 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.

Be it enacted by the General Assembly of Virginia:

1. 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.

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

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

§ 53.1-127.2:1. Provision of telephonic or electronic means for communication with attorney.

When a sheriff or jail superintendent who operates a local correctional facility provides a telephonic, electronic, or web-based communication system for prisoners, such system shall include a confidential means for a prisoner to communicate with his attorney at regular and reasonable times. Such times shall be published on a publicly available website. Additionally, each sheriff or jail superintendent shall accommodate requests by any attorney representing a prisoner in the local correctional facility operated by such sheriff or jail superintendent to provide reasonable opportunities for such prisoner to review

33 *correspondence from his attorney, discovery, and trial materials in anticipation of trial so such prisoner is*
34 *able to assist in his own defense.*

35 **2. That the State Board of Local and Regional Jails shall collect data regarding the number of local and**
36 **regional jails that, as of July 1, 2026, provide telephonic, electronic, or web-based communication**
37 **systems as described in § 53.1-127.2:1, as amended by this act, and assess the cost of providing such**
38 **telephonic, electronic, or web-based communication systems in each local or regional jail where such**
39 **systems are not already provided. The State Board of Local and Regional Jails shall report its findings**
40 **and recommendations to the Chairs of the Senate Committee for Courts of Justice and House**
41 **Committee on Public Safety by November 1, 2026.**