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HOUSE BILL NO. 1392

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 25, 2026)

(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 attorney member 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 or law-enforcement officers, or both, from any security screening required to enter a courthouse within the sheriff's jurisdiction, including by allowing such courthouse employees or law-enforcement officers to enter through any entrance that is not for public use, shall also exempt any attorney who displays a valid Virginia State Bar-issued attorney member bar card and a government-issued identification. The sheriff shall report to the appropriate law-enforcement agency and to the Virginia State Bar any attorney who enters or attempts to enter 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 correspondence from his attorney, discovery, and trial materials in anticipation of trial so such prisoner is able to assist in his own defense.

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

SENATE SUBSTITUTE

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