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HOUSE BILL NO. 1280
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee on Appropriations
 on _____)

(Patron Prior to Substitute—Delegate Cole, J.G.)

A BILL to amend and reenact §§ 53.1-32.1 and 53.1-32.2 of the Code of Virginia, relating to state correctional facilities; participation of prisoners in employment and educational programs; reentry planning; work group; report.

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-32.1 and 53.1-32.2 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-32.1. Classification system; program assignments; mandatory participation.

A. The Director shall maintain a system of classification which (i) evaluates all prisoners according to background, aptitude, education, and risk and (ii) based on an assessment of needs, determines appropriate program assignments including career and technical education, work activities and employment, academic activities which at a minimum meet the requirements of § 66-13.1, *group and individual* counseling, alcohol and substance abuse ~~treatment~~ *recovery training, technological literacy training, socioemotional development, mental health and wellness support, health literacy, relationship skills, social capital skills development, financial literacy, and such related activities as may be necessary to assist prisoners in the successful transition to and reintegration into and ability to thrive in free society and the broader community with gainful employment.*

B. The Director shall, subject to the availability of resources and sufficient program assignments, ~~place~~ *make available to all* prisoners in appropriate full-time program assignments or a combination thereof to satisfy the objectives of a treatment plan based on an assessment and evaluation of each prisoner's needs. Compliance with specified program requirements and attainment of specific treatment goals shall be required as a condition of placement and continuation in such program assignments. The Director may suspend programs in the event of an institutional emergency.

C. For the purposes of implementing the requirements of subsection B, ~~prisoners~~ *the Director shall be required make available to all prisoners and such prisoners shall* participate in such programs according to the following schedule:

1. From July 1, 1994, through June 30, 1995, an average of 24 hours per week.
2. From July 1, 1995, through June 30, 1996, an average of 28 hours per week.
3. From July 1, 1996, through June 30, 1997, an average of 30 hours per week.
4. From July 1, 1997, through June 30, 1998, an average of 36 hours per week.
5. From July 1, 1998, and thereafter, an average of 40 hours per week.

D. Notwithstanding any other provision of law, prisoners refusing to accept a program assignment shall not be eligible for good conduct allowances or earned sentence credits authorized pursuant to Chapter 6 (§ 53.1-186 et seq.) of Title 53.1. Such refusal shall also constitute a violation of the rules authorized pursuant to § 53.1-25 and the Director shall prescribe appropriate disciplinary action.

E. The Director shall maintain a master program listing, by facility and program location, of all available permanent and temporary positions. The Director may, consistent with § 53.1-43, establish a system of pay incentives for such assignments based upon difficulty and level of effort required.

F. Inmates employed pursuant to Article 2 (§ 53.1-32 et seq.) of Chapter 2 of this title shall not be deemed employees of the Commonwealth of Virginia or its agencies and shall be ineligible for benefits under Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, Chapter 6 (§ 60.2-600 et seq.) of Title 60.2, Chapter 5 (§ 65.2-500 et seq.) of Title 65.2 or any other provisions of the Code pertaining to the rights of state employees.

G. No prisoner shall be disqualified from or classified as a lower priority to participate in any requested program that would satisfy any element of his case plan pursuant to this section solely due to the length of such prisoner's original or remaining sentence, type of conviction, or participation in any other program.

H. Upon enrollment in any program, the Director shall ensure that disruptions to enrollment and attendance, such as suspension or removal from a program, are minimized to the extent practicable. No prisoner shall be suspended, disqualified, or removed from a program prior to completing such program for any disciplinary or security purpose except upon (i) an emergency transfer to another facility; (ii) a conviction or active investigation into a criminal violation or major institutional violation; (iii) placement in isolated confinement; or (iv) a documented, specific risk to the safety or security of himself or another person, including other residents or correctional facility staff. Any suspension, disqualification, or removal from any program shall be limited to a period not to exceed 90 consecutive days for any single infraction, investigation, or violation.

§ 53.1-32.2. Reentry planning.

A. The Department shall develop and implement, in cooperation with and taking into account the

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individual needs and willingness to participate of the inmate, a comprehensive reentry plan for each person committed to the supervision of the Department, as soon as practicable, considering the prisoner's anticipated release date. Such plan shall identify educational, vocational, therapeutic, and other programs necessary to prepare the person for successful transition from prison to society upon the person's discharge and shall include mentor pairing to the extent possible. *In identifying such necessary programs, the Department shall assess each prisoner's existing educational, vocational, social, emotional, technological, and other skills, expertise, certifications, degrees, and capabilities related to programming as described in § 53.1-32.1 to identify areas where such prisoner can contribute to advancing reentry planning for other prisoners. Additionally, each reentry plan, if applicable, shall (i) assess a prisoner's readiness to take a high school equivalency test; (ii) monitor high school equivalency test score reports to identify areas of improvement; and (iii) modify such plan and related programming to address such areas of improvement.* The Department shall coordinate any reentry programs provided through the Department pursuant to the reentry plan with any other reentry or other relevant programs offered by any public or private organization or entity at the local, state, or federal level, which are also included in the plan, *including peer support programs, group classes, and other classes or programs provided by external organizations. The Department shall, within the limits of appropriations made by the Department of Criminal Justice Services or General Assembly, establish pre-release and post-incarceration services with preapproved providers that offer such programs.*

B. The Department shall assess, train, and enlist prisoners in developing, facilitating, mentoring, and otherwise serving in leadership roles in peer and group educational programs for which such prisoners are qualified to lead or help facilitate. The Department shall, to the extent practicable, ensure that such peer and group educational programs are available without a waitlist. Time spent participating in such programs, including leading such programs as described in this subsection, and participating in programs offered by external organizations, shall count toward a prisoner's required weekly participation hours under § 53.1-32.1.

2. That the Department of Corrections (the Department) shall convene a work group consisting of relevant stakeholders, including (i) local and regional reentry providers, including Pre-Release and Post-Incarceration Services (PAPIS) member organizations, FailSafe-ERA, and PATH Reentry; (ii) advocates, including advocates from The Humanization Project, the Commonwealth Justice Coalition, and the Reentry and Recovery Alliance; (iii) recent inmates of Department facilities who participated in educational programming; (iv) local and regional reentry councils; (v) mental health professionals or trauma-informed counselors; (vi) social scientists; and (vii) corrections staff, counselors, and administrators. The work group shall develop practical policy and legislative recommendations in order to meet the following goals: (a) develop robust networks of external organizations to provide regular programming at Department facilities across the Commonwealth, (b) maximize the benefits and utilization of peer and group programming led or facilitated by Department inmates, (c) establish a robust set of programs to broaden the range of offered programming types, and (d) develop specific guidelines to safely minimize programming disruptions. The work group shall provide an initial report of its progress and initial findings and suggestions to the General Assembly and the Governor by November 1, 2026. The work group shall report its final findings and specific legislative and policy recommendations to the General Assembly and the Governor by July 1, 2027.