

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB581 S1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Morrissey

3. Committee: Rehabilitation and Social Services

4. Title: Local correctional facilities; fees.

5. Summary: Current law allows stores or commissaries to be established and operated in local correctional facilities and in regional jails and regional jail farms. In regional jails and regional jail farms, profits from such stores and commissaries must be used for educational, recreational, or other beneficial purposes as may be prescribed by the superintendent. Profits from local correctional facilities' stores and commissaries must be used for educational, recreational, or other purposes for the benefit of the inmates as may be prescribed by the sheriff; any other profits may be used for the general operation of the sheriff's office.

This bill provides that items or services sold by such stores or commissaries, including the sale or rental of electronic devices or media, may be priced at a maximum of 10 percent above the typical market rate for such items or services at non-correctional major retail stores. The bill prohibits a local correctional facility or superintendent's office from receiving any commissions or markups from any items or services sold.

The bill provides that any fees charged for the receipt of funds to any inmate's account must not exceed three percent of the amount received and provides that, upon discharge from a local correctional facility, inmates must receive the balance of all accounts maintained by the facility for an inmate's use. The inmate must be given the option to receive the balance by check, electronic funds transfer, or a debit or other account card. The bill prohibits the facility or a vendor contracted by the facility from charging fees to transfer funds, to check account balances, or to maintain or close an account.

Under current law, each sheriff or jail superintendent who operates a correctional facility that utilizes an electronic visitation system or electronic messaging system, including Voice-over-Internet Protocol technology and web-based communication systems, for communication between prisoners and third parties is authorized to collect a fee for the system. This bill provides that the fee charged for using the system must not exceed the actual costs of establishing and operating the system and requires that the proceeds cannot be used for any other purpose than to offset the costs of establishing and operating the system. The bill requires that electronic visitation systems must be established with the lowest available rates and provides that any facility that utilizes such systems: establish such system allowing for the security needs of the facility: provides that in-person visitation cannot be prohibited, and provides that no prisoner can be excluded from using the system. The bill establishes that

local correctional facilities must offer telephone systems that allow telephone calls to be placed to the telephone number or numbers on an approved call list. The bill requires that telephone services must be provided at no cost to the inmate or to any recipient of a call from an inmate on the approved call list; establishes that the maximum number of telephone numbers permitted on an approved call list can be no less than 20; and requires a ratio of at least one telephone for every 15 inmates within each housing unit at each local correctional facility. The bill prohibits local correctional facilities from receiving any commission from such telephone systems.

Under current law, certain wages earned by an offender may be paid to the director or administrator of a work release program and used to defray the cost of the offender's keep or to pay travel and other expenses made necessary by his work release employment or participation in an educational or rehabilitative program. This bill eliminates these provisions and the requirement set out in § 53.1-131.1, which requires certain offenders to pay an amount to defray the cost of his keep.

The bill repeals the following sections of the Code of Virginia: § 53.1-127.3 (Deferred or installment payment agreement for unpaid fees); § 53.1-127.5 (Collection of fees owed; contract for collection; duties of Department of Taxation); and § 53.1-131.3 (Payment of costs associated with prisoners' keep).

6. **Budget Amendment Necessary:** Indeterminate.
7. **Fiscal Impact Estimates:** Preliminary. See Item 8 below.
8. **Fiscal Implications:** Enactment clauses in the substitute bill delay the effective date until July 1, 2023, and state that provisions of the bill will not become effective unless reenacted by the 2023 General Assembly.

An enactment clause requires the State Board of Local and Regional Jails (the Board) to convene a work group, consulting with all relevant stakeholders, to study implementation of the provisions of this act. The Board is required to report its findings and recommendations to the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on Public Safety by October 1, 2022. The Board of Local and Regional Jails reports that it could absorb the costs associated with the substitute bill.

Any impact this bill may have on the Department of Taxation is not known at this time. If further information is received, this impact statement will be revised as necessary.

9. **Specific Agency or Political Subdivisions Affected:** State Board of Local and Regional Jails, local and regional jails
10. **Technical Amendment Necessary:** No
11. **Other Comments:** None