

Proyectos de Leyes Legislativos 2020

HB 61 Adultos sentenciados por ofensas juveniles credito de buena conducta

2020-patrocinado por Christopher Collins-aprobado por el gobernado y entra en efectivo en Julio 1 2020. provee que un adulto sentenciado por una ofensa juvenil puede recibir crédito de buena conducta a un porcentaje de un día por cada día servido incluyendo todas los días servido cuando estaba confinado en la cárcel en detención asegurada antes de la convicción y sentencias en la cual el adulto no haya violado las reglas escritas y regulaciones de la cárcel.

Nosotros C.F.J: le escribimos al Delegado Collins al respecto de como esto entra en efecto y el nos dijo "Esto puede arreglar la situación de calculación de tiempo de D.O.C. y puede ser retroactivo,por que nosotros no cambiamos como nosotros sentenciamos, pero como el tiempo es calculado.

HB 1284 Facilidades correccionales; uso del confinamiento aislado

Patrocinado por Del. Patrick Hope [D] Aprobado por el Gobernador-Capítulo 522 (efectivo 7/1/20) Facilidades de corrección; uso de confinamiento aislado. Dirige a el Directorio Correccional que, en consulta con un grupo de trabajo de las partes interesadas, lleve a cabo una revisión de las normas y requisitos que rigen, y la aplicación y el uso de un confinamiento aislado en, los centros penitenciarios locales.

SB 1023 visitas y búsquedas

Aprobado por el Gobernador-Capítulo 522 (efectivo 7/1/20) Un poco de texto:

5. Si la búsqueda con animales, detectores, escaneo, o chequeo fisico concluyen que no hay contrabando ninguno y el visitante es elegible para entrar, el visitante podrá ver el prisionero con contacto personal.

6. Si la búsqueda con animales, detectores, escaneo, o chequeo fisico concluyen que podría ver contrabando, el visitante puede decidir qi quiere que le chequen su persona más. Si el visitante no acepta ser revisado y solo fue chequeado por la búsqueda con animales pero el visitante es elegible para entrar, podra entrar a ver el prisionero pero sin contacto personal. Si el visitante fue chequeado pero el escaneo o chequeo fisico concluyen que hay algún contrabando, si no acepta que su persona sea chequeada, el Departamento puede negar al visitante en concordancia con la regulaciones sobre privilegios de visitas autorizado por SS 53.1-30.

7. Un visitante se puede ir de la facilidad y parar
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Some of the Bills That Passed

HB 1231 Crisis intervention team training brain injury Adds the Department for Aging and Rehabilitation Services and brain injury stakeholders to the list of entities with whom the Department of Criminal Justice Services is required to consult in developing a training program for all persons involved in the crisis intervention team programs and requires the curriculum for such training programs to include a module on brain injury.

HB1648 State correctional facilities; treatment of prisoners known to be pregnant or who are parents of minor children. Provides for rules and regulations regarding the treatment, control, and education of prisoners known to be pregnant and prisoners who are primary caretakers of minor children in state correctional facilities.

SB1024 Detector canines and detector canine handlers; training and database. Requires the Department of Criminal Justice Services to establish compulsory minimum training standards for detector canine handlers employed by the DOC, standards for the training and retention of canines used by the DOC, and a database on the performance and effectiveness of detector canines. Requires that correctional officers employed by the DOC comply with such requirements.

HB1284 Correctional facilities; use of isolated confinement. Directs the Board of Corrections, in consultation with a stakeholder work group, to conduct a review of the standards and requirements governing, and the application and use of, isolated confinement in local correctional facilities.

HB 1100 State Inspector General; powers and duties Sponsored by Delegate Betsy Carr [D] Requires State Inspector General; powers and duties. Requires the State Inspector General to establish procedures governing the intake and investigation of complaints alleging fraud, waste, abuse, or corruption by a state agency or nonstate agency or by any officer or employee of a state agency or nonstate agency..

HB 277 and SB 736 were signed to reverse the standing rule that people who are incarcerated may only earn towards fines and court costs before or after incarceration. These bills will permit the individuals to earn credits towards their balances while incarcerated. A large number of the incarcerated population are in the system because they are unable to pay these fines.

HB 1196 and SB 1 stop the current practice of suspending licenses of people who cannot

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La enmienda del Gobernador a la ley HB 29

Fue aprobada el 04/22/2020. Las personas encarceladas con un año o menos en sus sentencias serán puestas en libertad, excepto aquellas con ofensas clase 1 o delinquentes sexuales que cometieron actos de violencia. Los reclusos deben tener un plan familiar y no ser considerados una amenaza para la sociedad. Esta enmienda entra en efecto inmediatamente hasta el primero de julio de 2021

Amendments Approved

Release with one year or less release date:

The Governor added an amendment to HB29, which was approved on April 22, 2020: "391 V.1. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia, the Director shall, during the duration of the declared emergency, have the authority to (i) discharge from incarceration or (ii) place into a lower level of supervision, including probation supervision, home electronic incarceration, or other forms of community corrections, any prisoner committed to the Department who has less than one year of his sentence remaining to be served prior to his scheduled release if the Director determines that (a) any such discharge or placement during the declared emergency will assist in maintaining the health, safety, and welfare of any prisoner discharged or placed or the prisoners remaining in state correctional facilities and (b) any such discharge or placement is compatible with the interests of society and public safety.

2. The provisions of this section shall not apply to a prisoner convicted of a Class 1 felony or a sexually violent offense as defined in § 37.2-900 of the Code of Virginia.

4. The provisions of this section shall expire on July 1, 2021." Explanation from Rose Durbin: "The language in HB29 only gives the Director the authority to release offenders early during a declared state of emergency and no later than July 1, 2021, should the emergency declaration extend to that time. Currently, the emergency declaration is only in effect until June 10, 2020. The exact language referencing this is below: "391 V.1. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia" of a state of emergency by the Governor due to a public health threat.)

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el chequeo físico antes que un contrabando sea descubierto. Un visitante no será prohibido de volver para visitar aunque fue parado para un chequeo, si el chequeo fue terminado antes que un contrabando fuera encontrado o si el visitante no acepta que su persona sea chequeado, esto incluye rechazando un chequeo desnudo o dentro del cuerpo. El personal de la facilidad no puede usar el procedimiento de chequeo o resultados de un chequeo como razón para negar visitas en el futuro. El superintendente, los guardias, o otros oficiales encargo de la facilidad se vana asegurar que los trabajadores de la facilidad no usarán los procedimientos del chequeo o los resultados como amenaza para negar visitas en el futuro.

HB 1100 Inspección General del Estado; poderes y deberes

Patrocinado por el Delegado Betsy Carr (D) 3/12/2020 Aprobado por Gobernador (efectivo el 7/1/2020).

Requiere que el Inspector General del Estado establezca procedimientos en gobernando las investigaciones y el recibimiento de quejas sobre fraude, desperdicia, abuso, o corrupción de una agencia del estado y agencias que no son del estado o por un oficial o empleado de una agencia del estado y agencias que no son del estado.

Esto tiene que ver con las prisiones en esta forma:

1. Tener inspecciones de y crear normas y recomendaciones de operaciones para las facilidades del estado o para proveedores, incluyendo servicio de salud mental licenciada en la facilidad correccional del estado, para prevenir problemas, abusos y deficiencias y para mejorar lo efectivo que son sus programas o servicios. El Inspector General del Estado vigilará y conductora inspecciones sin y con anuncio de las facilidades del estado y proveedores incluyendo servicio de salud mental licenciada en la facilidad correccional del estado, y regularmente en correspondencia con las cejas específicas de abuso, neglecto, o asistencia inadecuada y como un resultado de monitorear un incidente serio y reportes de abuso, neglecto, y asistencia inadecuada o otra información recibida. El Inspector General del Estado va hacer inspecciones sin anuncio en cada facilidad del estado por lo menos una vez al año;

2. Inspecciones, supervisión, y la revisión de la calidad de servicios proporcionados por las facilidades del estado y otros proveedores definidos por SS 37.2-403, incluyendo servicios de salud mental en facilidades de corrección del estado.

3. Acceso para información, incluyendo información confidencial del consumidor en relación a la entrega de servicios al consumidor en facilidades del estado o servido por otros proveedores, incluyendo servicio de salud mental en la facilidad correccional del estado.

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afford to pay their court fines or fees. This old practice resulted in a cycle of people going in and out of incarceration because they could not drive to work, due to their licenses being suspended, thus they were unable to pay their fines. **HB 909 and SB 513** remove license suspensions for other reasons deemed unnecessary. **HB 477 and SB 546** raise the age that the Commonwealth's Attorney can move a juvenile to be tried as an adult without court approval from 14 to 16. **HB 995 and SB 788** move the grand larceny amount from \$500 to \$1,000, not retroactive.

SB 1023 Visitation and Search

Some bill text:

5. If the detector canine search, scanning, or wandung does not indicate any contraband and the visitor is otherwise eligible to visit, the visitor shall be allowed a visit with the prisoner that allows personal contact.

6. If the detector canine search, scanning, or wandung indicates the possibility of contraband, the visitor shall have the option of consenting to a search of his person. If the visitor does not consent to a search of his person after only a detector canine search indicates the possibility of contraband and the visitor is otherwise eligible to visit, he shall be allowed a visit with the prisoner that does not allow personal contact. If the visitor does not consent to a search of his person after scanning or wandung indicates the possibility of contraband, the Dept. may deny the visitor entry into the facility in accordance with the operating procedures regarding visiting privileges as authorized by § 53.1-30.

7. A visitor shall be allowed to leave the correctional facility and discontinue the search process prior to the discovery of contraband. A visitor shall not be barred from future visits because he stops a search prior to the discovery of contraband or refuses to consent to a search of his person, including refusing to consent to a strip search or a search of any body cavity. Correctional facility personnel shall not use the search procedure or search results as a threat to bar future visits. The superintendent, warden, or other official in charge of the facility shall ensure that correctional facility personnel do not use the search procedure or search results as a threat to bar future visits.

About HB 744

We wrote to Delegate Watts about this bill, which provides that a court, in the case of a juvenile tried as an adult and convicted of a felony, may depart from any mandatory minimum sentence required by law and suspend any portion of an otherwise applicable sentence. She wrote: "The changes enacted by HB744 are only effective going forward. If there is another reason that a case where the sentence included a mandatory

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Fishback Amendment HB 33 and SB 793, The "Fishback" bill makes individuals sentenced between 1995 and 2000 eligible for parole. Governor's recommendation adopted; bill in effect. Will be processed by the parole board.

More Bills

HB61 Adults sentenced for juvenile offenses; good conduct credit

Provides that an adult sentenced for a juvenile offense can earn good conduct credit at the rate of one day for each one day served, including all days served while confined in jail or secured detention prior to conviction and sentencing, in which the adult has not violated the written rules and regulations of the jail. This bill is a recommendation of the Virginia Criminal Justice Conference

CFJ wrote to Delegate Collins, the bill sponsor, about implementation and he said, "This should solve the DOC calculation issue of time and should be retroactive as we did not change how we sentence but only how the time is calculated.

Poem by Felipe Layug III (RNCC)

Do you believe that like begets like?
As in pain begets pain.
Identify crisis formed vices...
Birthing a boy who grew, yet not quite understanding
the power in his name --
Fumbling through his subconscious,
struggling with an unknown enemy.
The weight of unresolved issues never accommodates
Never was taught that it was ok to breathe
So he learned to just breeze through
A legacy stolen from youth
Arriving at the age of accountability, he is left to die insisting --
Or salvage what's of value -- but does he understand choice?
Why is this an inheritance, more so, a generational cycle unnoticed
So if he never sowed the discord, then why does he reap static, weeping bitterly
Mistakes afflicted led to mistakes inflicted...
Is this misfortune or fate...
His outlet appeared delinquent -- just taking baby steps...
His liberty was found in rebellion, enslaved to perception,
An obvious distortion of comprehension from a youthful expression.
He unconsciously suppressed anger but couldn't contain rage --
Becoming impervious to abusive assaults so how could he identify pain?
Human indicators numb to the touch, yet emotions running rampant so that the only thing he felt was what was tangential.
All he experienced was extremes, always nightmares - so how was he to dream?
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Sin embargo, el Inspector General del Estado no será dado minutos, procedimientos, record, o reportes de los proveedores abajo de la ley SS 8.01-581.17, excepto que el Inspector General del Estado va tener acceso a información de privilegio de las facilidades del estado y las unidades de tratamiento de salud mental en la facilidad correccional del estado. La información de consumidores será mantenido por el Inspector General del Estado como confidencial en la misma manera que es requerido por una agencia o proveedor con esta información.

HB 1196 y SB1 vana para la práctica corriente de suspender las licencias de personas que no pueden pagar sus multas de la corte. La práctica vieja resulto con un ciclo de personas entrado y saliendo de la cárcel porque no podía manejar al trabajo, porque sus licencias estaban suspendidas, entonces no podían pagar las multas.

HB 972 despenalizará la simple posesión de marihuana y crea una penalidad civil de \$25 pero remueve la ofensa criminal que es clasificado como un delito menor. Esto será efectivo el primero de Julio si la Asamblea General acepta las correcciones técnicas propuesto por el gobernador Northam.

HB 33 y SB 793, conocidos como el proyecto de ley "Fishback", dan el derecho a las personas condenadas entre 1995 y 2000 de ser elegibles para la libertad condicional. Este proyecto de ley "Fishback" permite una reevaluación para aquellos que puedan haber sido condenados por jurados mal informados.

ACLU of VA Is Taking Action

The ACLU is taking action against the Commonwealth of Virginia, Gov. Ralph Northam, and state and local officials to ensure they are using their full authority to mitigate the spread of COVID-19 in prisons, jails and correctional facilities and prevent more illnesses and deaths. The COVID-19 pandemic poses an immediate, potentially deadly threat to the thousands of men, women and children being held in Virginia's correctional facilities, many of whom have not been convicted of a crime. The ACLU of Virginia has filed a petition with the Virginia Supreme Court, known as a writ of mandamus, asking it to order government officials to fulfill their legal obligations to provide adequate care for people in custody. The petition argues that overcrowded facilities and current conditions make social distancing impossible, and requests that officials decarcerate facilities as much as safely possible in order to adhere to guidelines set by the Centers for Disease Control and Prevention (CDC) and Virginia's own Department of Health as well as proper access to sanitation products and health care.

minimum may be under review, I would hope that weight would be given to the public policy decision that mandatory minimums are no longer required in sentencing a juvenile."

A Thought on Release

The first confirmed case came out of here, our reentry community, and it's a mentor and a participant who are still hospitalized, and we kinda took it hard. Now there's no more reentry because of this health crisis and the governor has called that special session and submitted that bill to give the VDOC authority to release guys who are under a year and have good behavior and don't pose a threat. The other day Mr. Moran highlighted the impact of VDOC's reentry programs on the recidivism rate in VA, which is the lowest in the country 4 years in a row. But they're also always splitting hairs between violent and nonviolent offenders. Yet, the success of the program is due in large part to the elder/mentors, all of whom are life long term violent offenders. Just ask any returning citizen in a VDOC reentry community what role elders/mentors play, and they'll tell you that we perhaps play the most vital role because we're the ones that prisoners and staff come to for every community and individual problem and to execute their mission. These things are no secret, except when they speak publicly about it. Reentry is suspended due to this health crisis and there's no telling what's going to happen with the reentry elders/mentors. State officials are finally speaking about releasing the ones we as elders/mentors have been helping prepare all along to meet the criteria that they're setting for the VDOC to release them early due to the crisis. However, most of us elders/mentors must stay behind because we're not parole or geriatric release eligible (unless the governor exercises his clemency pen). Despite the serious nature of our crimes and punishment, which only reflects what we did and not who we are, we set the standard for what state officials and the VDOC expects of the returning citizens that we mentor through the program. People need to know.

SUSSEX 2'S REENTRY

ELDERS/MENTORS: S. Henderson, J. Generette, A. Gomez, E. Burgess, J. James (send prayers, hospitalized COVID19)

The Virginia Prison Justice Network

Newsletter is published by the Coalition for Justice. PO Box 299, Blacksburg, VA 24063 Have a poem or thought you'd like published? Send them! Please note: we are not lawyers.

No somos abogados. Ayudamos a los presos con sus quejas durante el encarcelamiento ¡Ahora tenemos apoyo con el español para quejas o pregunta. ¿Tienes un poema o ensayo corto que te gustaría publicar? ¡Mándanoslas!

Shaking his head in disgust from the distinct echoes of hindsight
Let the needle remain in the haystack to mend his mind right.

Fatigued from the search without, he began to search within asking himself

"Do you believe that a man can find himself through mistakes?"

Do you believe that through reflecting he can overcome the fate that those very mistakes demand?

I ask because I am that man who has stumbled into a world, faceless, no identity.

I'm not making no excuse, my past is the proof, yet my present is the truth.

Though the ugliness of introspections gave me the depth to climb out of this pit, clutching the death of stagnation.

It's all necessary

Appeals for Early Release Denial

Everyone who may be eligible for early release via the one year or less left on sentence amendment, should have been given an appeal form in case that happens. It will be the warden and Mr. Jim Parks of Offender Management will decide on the appeals.

6 Months for Home Plan, NO!

Per Ms. Rose Durbin, "That requirement is waived for those who may be eligible." in references to the usual way home plans are processed -- counselors did not do them until inmates had less than 6 months left. This is in regard to early release, one year or less

A Healing Prayer For All

There are 574 federally recognized Native American tribes in the U.S., and while the numbers vary from state to state and tribe to tribe, it is becoming clear that Native Americans are being hit harder by the virus than the overall population. Health disparities like diabetes, heart disease and asthma that were — and still very much are — prevalent in Native American communities. Poverty makes it worse, 1,200 people from the Navajo nation have tested positive so far.

Grandfather,
Sacred one,

Teach us love, compassion,
and honor.

That we may heal the earth
And heal each other.

— Ojibway Prayer

4/28/2020 State stats: 80,180 tested, 13,535 positive, 2,066 hospitalized, 468 deaths. PRISONS:303 tested positive (7 in hospital), 66 staff, 2 deaths (1 Deerfield, 1(VCCW).

To all Muslim inmates:

Ramadan Mubarak! رمضان مبارك