

REVISION OF TITLE 53 OF THE CODE OF VIRGINIA

**REPORT OF THE
VIRGINIA CODE COMMISSION
To
THE GOVERNOR
And
THE GENERAL ASSEMBLY OF VIRGINIA**



COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
1969

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To:

HONORABLE MILLS E. GODWIN, *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

Richmond, Virginia, October 1, 1969

The General Assembly at its Regular Session of 1968 directed the Virginia Code Commission, by Chapter 679 of the Acts of that Session, to revise certain titles of the Code of Virginia, including Title 53, relating to "Prisons and Other Methods of Correction".

Extracts from Chapter 679 follow:

"§ 1. The Code of Virginia shall be gradually revised by revising one or more titles at a time. In revising each title, all other sections of the Code relating to the same subject matter shall be revised to the extent necessary. Experts shall be employed by the Virginia Code Commission to assist in the project. The Commission may also accept the services of qualified volunteers who are willing to serve without pay. Tentative drafts of proposed revisions should be printed and circulated among interested persons and their comments solicited.

"§ 2. The Commission shall undertake the revision of Titles 27, 33, 34, 35, 36, 40, 41, 42, 43 and 53 of the Code of Virginia and submit to the Governor and the General Assembly on or before October one, nineteen hundred sixty-nine, a report of its recommendations, together with suggestive legislation necessary to carry such recommendations into effect. No substantive change shall be incorporated in such revisions, however; the Commission may suggest substantive change in each title being revised and submit separately legislation purposed to carry out each such recommendation."

Hugh Reid Thompson, Jr., Esquire, of the Richmond City Bar, was retained as the Commission's general counsel for these undertakings.

The Virginia Code Commission examined the provisions of this Title in detail and consulted officials of the State agencies interested in and affected by this Title. The Commission met with Counsel on several occasions, and discussed in detail changes recommended by members of the Commission, by Counsel and by such officials.

As a result of its efforts, the Commission has caused Counsel to prepare a draft of revision of Title 53 in the usual form, i.e., a bill suitable for introduction at the 1970 Session of the General Assembly of Virginia.

The draft purports to reflect the Commission's careful consideration of all recommendations and suggestions either brought to its attention or resulting from its own observations, inquiries and deliberations. It incorporates, among others, the following changes:

1. Amendment of the following sections to substitute the term "Correctional State Farm" for the terms "State farm" and "State farms" to conform with the coordinated unit concept of administration: §§ 53-61, 53-67, 53-76.1, 53-76.2, 53-76.3, 53-77, 53-78, 53-79, 53-89, 53-94, 53-95, 53-98, 53-227 and 53-251.

2. Amendment of the following sections to substitute the term "Bureau of Correctional Field Units" for the term "State convict road force", which was made obsolete by Chapter 301 of the Acts of 1968: §§ 53-92, 53-96, 53-100, 53-102.1, 53-103, 53-104, 53-107, 53-109, 53-109.1, 53-114, 53-115, 53-116, 53-117, 53-118, 53-119, 53-120, 53-122, 53-122.1, 53-135.1, 53-195, 53-201, 53-206, 53-206.1, 53-206.8, 53-221, 53-224, 53-227, 53-251, 53-301 and 53-305.

3. Amendment of the following sections to substitute the term "Virginia Probation and Parole Board" for the terms "Virginia Parole Board" and "Parole Board", the latter terms having been made obsolete by Chapter 638 of the Acts of 1966: §§ 53-229, 53-231, 53-332, 53-233, 53-236, 53-239, 53-240, 53-241, 53-242, 53-244, 53-247, 53-249, 53-250, 53-251.2, 53-253, 53-254, 53-257, 53-258, 53-260, 53-261, 53-262, 53-264, 53-265, 53-266, 53-268 and 53-279.

4. Amendment of the following sections to substitute the word "judge" for the term "trial justice", which latter term was made obsolete by Chapter 555 of the Acts of 1956 (Title 16.1): §§ 53-108, 53-115, 53-140, 53-201, 53-206.2, 53-208 and 53-221.

5. Amendment of the following sections to substitute "work force" for "chain gang": §§ 53-102.1, 53-163, 53-164 and 53-221.

6. Amendment, in addition to the foregoing, of the following sections for the reasons indicated:

§ 53-2, to delete obsolete language;

§ 53-3, to conform its provisions relating to the powers and duties of the Director and Board with the provisions of Chapter 1 of Title 63.1;

§ 53-8, to conform its provisions with those of § 53-84;

§ 53-9, to include "correctional field units" in the definition of "penal institutions";

§ 53-16.1, to require approval of the Governor, rather than the Attorney General, for State-provided special defense counsel in certain criminal proceedings (This section should be compared with §§ 33-11.1, 37.1-38 and 46.1-40. See § 2.1-121 for State-provided special defense counsel in civil proceedings);

§ 53-18, to include all penal institutions and correctional field units;

§ 53-20, to more clearly define the property held by the Board of Welfare and Institutions for penitentiary use;

§ 53-21, to substitute more appropriate wording and to increase the per diem for keeping prisoners of the United States from thirty cents to two dollars;

§ 53-23, to redefine certain rule-making powers of the Board to include not only the penitentiary but "all other penal institutions established with funds appropriated from the State

Treasury” to conform with the provisions of Title 53 and of Title 63.1;

- § 53-34, to make its provisions applicable to all “penal institutions” as defined in § 53-9;
- § 53-39, to make its provisions applicable to all “penal institutions” and to conform its provisions with those of § 53-225;
- § 53-40, to make its provisions compatible with those of §§19.1-19.1 to 19.1-19.6 relating to Central Criminal Records Exchange;
- § 53-50, to delete superfluous language;
- § 53-57, to substitute “penal institutions” for “penitentiary”;
- § 53-60, to more clearly define visitations of right into the penitentiary;
- § 53-61, to make its provisions applicable to convicts in all penal institutions and to include services;
- § 53-62, to more clearly and concisely provide a basis for changes for articles and services provided other agencies by state correctional institutions;
- § 53-64, to more clearly define eligible purchasers from the penitentiary printing shop;
- § 53-67, to omit obsolete language;
- § 53-73, to provide that the Director cause catalogues to be published “periodically” rather than “annually”;
- § 53-75, to require that inventories include raw materials, machinery and tools as well as goods;
- § 53-76, to combine its provisions with those of §§ 53-80 and 53-81, coordinating state farms as a single unit called State Correctional Farm, and to provide that misdemeanants have a separate set of rules from felons;
- § 53-95, to conform the punishment provided for misdemeanant escapees with general punishment § 18.1-9;
- § 53-96, to substitute “training schools” for “industrial schools”;
- § 53-109, to delete the last paragraph thereof relating to certain alternate uses of convicts in the “State convict road force”;
- § 53-115, to delete references to sentences for unpaid costs and to increase the maximum sentence for Bureau of Correctional Field Units escapees from six to twelve months;
- § 53-117, to make the allowance and transportation provided by § 53-219 applicable to convicts discharged from all state penal institutions instead of from the penitentiary only;
- § 53-135.1, to generally conform its terminology with recent legislation;
- § 53-136, to permit local governing bodies of counties, cities and towns to make repairs, improvements or additions to their jails costing not more than two thousand dollars without the recommendation of the State Board of Welfare and

Institutions and without prior approval of the governing bodies of the counties, cities and towns which use such jails and are required to make ratable contributions (this would represent an increase from five hundred dollars);

- § 53-142.1, to modernize the cross references to Title 37;
- § 53-145, to provide for payments to the county or city rather than the jailer and to delete as obsolete reference to creditors;
- § 53-146, to delete as obsolete the reference to creditors;
- § 53-161, to delete certain obsolete language and to increase the fine from thirty dollars to fifty dollars;
- § 53-163, to delete a reference to a repealed section;
- § 53-166, to make conflict of interest provisions applicable to deputies as well as to sheriffs and sergeants;
- § 53-179, to correct an obvious typographical omission;
- § 53-198, to change the authority of guards from that of a constable at common law to that of a conservator of the peace;
- § 53-206.3, to increase the allowances of members of regional jail or jail farm boards from five to twenty dollars, with a limit of two hundred and forty dollars, rather than sixty dollars;
- § 53-206.6, to conform the authority granted by this section with that provided by § 53-198;
- § 53-213, to substitute "Division of Corrections" for "State Prison System" and to prevent anyone convicted of committing a felony while in prison from obtaining the credit provided by this section;
- § 53-219, to conform conflicting provisions within the section;
- § 53-221, to delete references to punishment for non-payment of costs;
- § 53-223, to permit certain funds belonging to prisoners to be invested in bonds of the Commonwealth as well as those of the United States;
- § 53-224, to delete certain time limitations upon the work of certain prisoners;
- § 53-228, to delete obsolete language;
- § 53-234, to modernize its language and provide for use of the word "Director", unmodified, throughout the chapter rather than in the article only;
- § 53-251.2, to delete the reference to "costs" as related to sentences;
- § 53-292, to provide that only two, rather than a minimum of three, convicts can be guilty of conspiracy under § 53-291;
- § 53-294, to delete reference to a section heretofore repealed;
- § 53-301, to require the approval of the Governor for the surrender of a prisoner to the United States or to another state; and

§ 53-314, to modernize its language.

7. Three sections which, in context, appear to be new are not. §§ 53-76.1, 53-76.2 and 53-76.3 have new numbers, but are §§ 53-82, 53-86 and 53-128, respectively, relocated for better sequence and with the term "State Correctional Farm" substituted therein.

8. Repeal of the following sections is recommended and included in counsel's draft for the reasons assigned:

§ 53-5 is covered by § 63.1-12;

§§ 53-6 and 53-7 are covered by the Personnel Act, §§ 2.1-110 et sequitur;

§§ 53-22, 53-32, 53-65, 53-66, 53-167 and 53-183.1 are obsolete;

§ 53-43 should be in regulations rather than general law;

§§ 53-80, 53-81, 53-93, 53-99.1, 53-124, 53-125 and 53-126 are covered by § 53-76;

§ 53-82 is covered by § 53-76.1;

§§ 53-83, 53-84, 53-85, 53-90 and 53-91 are covered by § 53-8;

§ 53-86 is covered by § 53-76.2;

§ 53-217 is unnecessary;

§ 53-128 is covered by § 53-76.3;

§ 53-225 is unnecessary; and

§ 53-278 is covered by § 53-250.

RECOMMENDATIONS

The Commission considers the accompanying draft of revision of Title 53 as a substantial improvement over the present Title 53 and recommends its introduction at the 1970 Session of the General Assembly.

The Commission wishes to express appreciation for the valuable assistance rendered by Counsel in the preparation of this Revision, and for the cooperation of the officials of the State agencies affected by this Title.

Respectfully submitted,

A. L. PHILPOTT, *Chairman*

WILLIAM H. HODGES, *Vice-Chairman*

G. M. LAPSLEY, *Secretary*

FREDERICK T. GRAY

JOHN WINGO KNOWLES

ROBERT D. McILWAINE, III

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A BILL To generally revise and amend Title 53 of the Code of Virginia, relating to Prisons and Other Methods of Correction, by amending and reenacting §§ 53-2, 53-3, 53-8, 53-9, 53-16.1, 53-18, 53-20, 53-21, 53-23, 53-34, 53-39, 53-40, 53-50, 53-57, 53-60, 53-61, 53-62, 53-64, 53-67, 53-73, 53-75, 53-76, 53-77, 53-78, 53-79, 53-89, 53-92, 53-94, 53-95, 53-96, 53-98, 53-100, 53-102.1, 53-103, 53-104, 53-107, 53-108, 53-109, 53-109.1, 53-114, 53-115, 53-116, 53-117, 53-118, 53-119, 53-120, 53-122, 53-122.1, 53-135.1, 53-136, 53-140, 53-142.1, 53-145, 53-146, 53-161, 53-163, 53-164, 53-166, 53-179, 53-195, 53-198, 53-201, 53-206, 53-206.1, 53-206.2, 53-206.3, 53-206.6, 53-206.8, 53-208, 53-213, 53-219, 53-220.1, 53-223, 53-224, 53-227, 53-228, 53-229, 53-231, 53-232, 53-233, 53-234, 53-236, 53-239, 53-240, 53-241, 53-242, 53-244, 53-247, 53-249, 53-250, 53-251, 53-251.2, 53-253, 53-254, 53-257, 53-258, 53-260, 53-261, 53-262, 53-263, 53-264, 53-265, 53-266, 53-268, 53-279, 53-292, 53-294, 53-301, 53-305 and 53-314 thereof, as severally amended, by adding therein §§ 53-76.1, 53-76.2 and 53-76.3 and by repealing §§ 53-5, 53-6, 53-7, 53-22, 53-32, 53-43, 53-65, 53-66, 53-80, 53-81, 53-82, 53-83, 53-84, 53-85, 53-86, 53-90, 53-91, 53-93, 53-99.1, 53-124, 53-125, 53-126, 53-128, 53-167, 53-183.1, 53-217, 53-225 and 53-278, all of which amended, new and repealed sections relate to prisons and other methods of correction; to provide how this act shall be construed, and to prescribe when this act shall become effective.

Be it enacted by the General Assembly of Virginia:

1. That §§ 53-2, 53-3, 53-8, 53-9, 53-16.1, 53-18, 53-20, 53-21, 53-23, 53-34, 53-39, 53-40, 53-50, 53-57, 53-60, 53-61, 53-62, 53-64, 53-67, 53-73, 53-75, 53-76, 53-77, 53-78, 53-79, 53-89, 53-92, 53-94, 53-95, 53-96, 53-98, 53-100, 53-102.1, 53-103, 53-104, 53-107, 53-108, 53-109, 53-109.1, 53-114, 53-115, 53-116, 53-117, 53-118, 53-119, 53-120, 53-122, 53-122.1, 53-135.1, 53-136, 53-140, 53-142.1, 53-145, 53-146, 53-161, 53-163, 53-164, 53-166, 53-179, 53-195, 53-198, 53-201, 53-206, 53-206.1, 53-206.2, 53-206.3, 53-206.6, 53-206.8, 53-208, 53-213, 53-219, 53-220.1, 53-223, 53-224, 53-227, 53-228, 53-229, 53-231, 53-232, 53-233, 53-234, 53-236, 53-239, 53-240, 53-241, 53-242, 53-244, 53-247, 53-249, 53-250, 53-251, 53-251.2, 53-253, 53-254, 53-257, 53-258, 53-260, 53-261, 53-262, 53-263, 53-264, 53-265, 53-266, 53-268, 53-279, 53-292, 53-294, 53-301, 53-305 and 53-314, as severally amended, of the Code of Virginia, are amended and reenacted and that the Code of Virginia is further amended by adding, in Title 53 thereof, §§ 53-76.1, 53-76.2 and 53-76.3, as follows:

§ 53-2. **Properties held by Board of Welfare and Institutions.**—All right, title and interest in and to any real estate or any tangible personal property, vested in the * *Board of Welfare and Institutions shall remain so vested.*

§ 53-3. **Powers and duties of Director and Board.**—The Director * *and the Board, respectively, shall have the same powers and duties with respect to this title as are prescribed for them with respect to Title 63.1 in Chapter 1 thereof.*

§ 53-8. **Transfer of prisoners.**—The Director * *upon request of the sheriff of the county or sergeant of the city, with the approval of the Governor, may permit any person accused or convicted of an offense against the laws of the Commonwealth or of any other state or country, or any witness held in any case to which the Commonwealth is a party, if confined in any penal institution within the Commonwealth, to be transferred from any penal institution in which such person is confined to such other penal institution in the State as is designated by the Director.*

§ 53-9. "Penal institution" defined.—The term "penal institution" as used in this title means and includes every prison, prison camp *, prison farm or *correctional field unit* heretofore or hereafter established with funds appropriated from the State treasury, and every jail, jail farm, lockup or other place of detention owned, maintained or operated by any political subdivision of the Commonwealth, but shall not be taken to include any industrial school or other institution established solely for the detention of juvenile delinquents.

§ 53-16.1. Defense of prisoners.—If any guard or other authorized person acting as a custodian of any prisoner under the supervision of the Director of the Department of Welfare and Institutions shall be arrested or indicted or otherwise prosecuted on any charge arising out of any act committed in the discharge of his official duties, the Director may, with the approval of the * *Governor*, employ special counsel to defend such guard or other person. The compensation for special counsel employed pursuant to this section shall be paid out of funds appropriated to the Department of Welfare and Institutions.

§ 53-18. Power of Board in investigating; duty of Director; how witness paid.—When an investigation is ordered by the Board as to a matter concerning * *any penal institution or correctional field unit subject to the jurisdiction of the Board*, or the conduct of persons connected therewith, the Director, by order of the Board, may issue a summons, directed to * the sheriff or sergeant of the * *county or city in which such institution or correctional field unit is located* commanding him to summon any person to * *be present* on a certain day *at such place within such county or city as may be designated by the Board*, to give evidence before the Board, and may administer an oath to such person. The Board shall have like powers, under §§ 8-302 and 8-303, as if it were a court whose clerk had issued the summons. And the Director shall make such entry as would, under § 14.1-190 if the attendance was before a court, be made by the clerk thereof. The sum to which the witness is entitled shall be paid out of the funds of the institution.

§ 53-20. Property attached to the penitentiary; in whose custody and control; authority to employ prisoners out of enclosure.—* All of those *lands, chattels and rights in fact held by the Commonwealth for the use of the penitentiary on September 30, 1970*, shall remain the property of the Commonwealth for the use of the penitentiary. The Board shall have custody of the property of the penitentiary, real and personal, and it shall, in the name of the Commonwealth, have authority to institute and prosecute any suit or proceeding for the recovery of any such property, or its value, or for any injury thereto, which may be proper to protect the rights of the State. It shall have authority to employ the prisoners in improving and cultivating any part of the lands aforesaid, or in repairing the water pipes and fixtures, or the roads from the penitentiary to proper points of intersection with the streets, or in taking out or bringing into the enclosure any necessary thing to or from the city.

§ 53-21. Penitentiary to be for confinement of State convicts; United States prisoners may be also confined therein; upon what terms.—The penitentiary house shall continue, under the name of "The Penitentiary," to be * *used for* the confinement of convicts sentenced to confinement therein by the courts of this Commonwealth. Persons sentenced to imprisonment for a term of three years or more by a court of the United States, held in Virginia, may also be confined therein, with the * *approval* of the Board and Governor (which * *approval* shall be recorded in the

entry made upon such convict's admission), and be safely kept and employed, pursuant to the rules of the prison, so far as is not inconsistent with such sentence, until discharged by due course of the laws of the United States: Provided, that the United States shall pay half-yearly, at the rate of * *two dollars* per day, for the imprisonment and support of every such convict, and shall also pay proper medical charges.

§ 53-23. **Board to prescribe rules; how posted.**—The Board, with the approval of the Governor, may, from time to time, prescribe rules, not contrary to law, for the preservation of the property at, and the health of the convicts in, the penitentiary, *and all other penal institutions established with funds appropriated from the State treasury*, and the government of the interior thereof. Printed copies of such of the rules as relate to the government and punishment of the convicts, and of any provisions of law which the Board, with the approval of the Governor, may direct, shall be posted in at least six conspicuous places of the interior of the penitentiary.

§ 53-34. **Correspondence privileges and use of newspapers and magazines.**—The prisoners confined at the State * *penal institutions* shall be allowed such correspondence privileges as do not interfere with the work and discipline of the * *penal institution*; provided, however, that each prisoner shall be permitted to write a letter at least once each month, and shall be permitted to have and read such newspapers and magazines as he may subscribe for or may be given to him or sent him and not deemed by the prison authorities to be subversive of discipline.

§ 53-39. **Officers and guards may carry weapons; leaves of absence.**—It shall be lawful for any officer or guard * *in any State penal institution* to carry sufficient weapons to prevent escapes, suppress rebellion, and for self-defense, and to use * *such weapons or other means as may be reasonably necessary for such purposes*.

§ 53-40. **Fingerprints, photographs and description.**—Photographs, fingerprints and a description of each convict, male and female, received in the penitentiary, shall be taken and filed for identification purposes. *Subject to the provisions of §§ 19.1-19.1 to 19.1-19.6 of the Code of Virginia* the * State penitentiary shall cooperate with federal, State, county and city law enforcement agencies, insofar as it may deem proper in connection with the disclosure of information concerning such convicts, and the taking of fingerprints and photographs of persons charged with the commission of a felony.

§ 53-50. **Hours of labor.**—The Board of Welfare and Institutions shall prescribe, by rules and regulations, the hours within which the convicts shall be employed *

§ 53-57. **Director may employ in work on public buildings, etc.**—The Director shall, at the discretion and under the direction of the Governor, employ convicts at Richmond or elsewhere in the State, in improving, repairing, or working on the public buildings, grounds and property, or cultivating grounds for the use of the * *penal institutions*.

§ 53-60. **Who may enter interior of penitentiary; visitors not to converse with convicts.**—The Governor, members of the General Assembly, * and others having duties or business therein may go into the interior of the penitentiary. Any person who shall obtain a permit to do so from the Governor *or Board* may also visit the same. The Board shall prescribe the time and conditions on which all * persons other than the Governor and members of the General Assembly may enter the interior

of the penitentiary. There shall be no conversation between a visitor and a convict unless special license therefor be given by the Governor or Board.

§ 53-61. **Goods to be made for State institutions and agencies.**—Convicts or misdemeanants actually confined * *in State correctional institutions* shall be used, as far as possible, in the making of articles and provision of services required by the departments, institutions and agencies of the State which are supported in whole or in part by the State.

The production and manufacture of bricks, cinder blocks, light-weight aggregate block and concrete block by convict or misdemeanant labor at the State penitentiary or at * the State * *Correctional Farm* shall be limited to the needs of State-owned and State-supported institutions, and the same shall not be produced or manufactured for any other purpose; nor shall the present capacity for the manufacture and production of such products be increased.

§ 53-62. **Establishment of Charges.**—The Director * *shall establish charges for such articles and services that will, in his judgment, defray the administration, operation and maintenance costs and make allowances for depreciation, return on capital and contingencies.*

§ 53-64. **Sale of products of printing shop.**—The products of the State-use printing shop at the penitentiary, shall be sold only to * *the departments, institutions and agencies of the State * which are supported in whole or in part by the State,* and shall not be sold to offices or agencies of the counties, cities and towns of the State of Virginia, or in the open markets.

§ 53-67. **Agencies may purchase.**—* All departments, institutions and agencies of this State which are supported in whole or in part by the State shall, and all counties and districts of such counties and cities and towns in this State may, purchase from the Director all articles required by such departments, institutions and agencies of the State, or by such counties, districts, cities or towns, produced or manufactured by the Director by convicts or misdemeanants confined within the penitentiary or elsewhere employed within this State, including products of the penitentiary and State * *Correctional Farm* and no such article shall be purchased by any such department, institution or agency of the State from any other source unless excepted under the provisions of § 53-69.

§ 53-73. **Catalogues.**—The Director shall cause to be prepared * *periodically*, at such * *times* as he may determine, a catalogue containing a description of all articles and supplies manufactured and produced by him pursuant to the provisions of § 53-61, copies of which catalogue shall be sent by him to all departments, institutions and agencies of the State referred to in § 53-67. At least thirty days before the commencement of each fiscal year, the proper official of each such department, institution and agency of the State shall report to the Department of Purchases and Supply estimates for the ensuing year or quarter of the kinds and amounts of articles and supplies required by them for the ensuing year or quarter, referring in such estimates to the catalogue issued by the Director, insofar as the articles and supplies indicated are included within the catalogue.

§ 53-75. **Annual inventory.**—The Director shall, at the end of each fiscal year, * *cause to be taken* the inventories of the goods * , *raw materials, equipment, machinery and tools on hand.*

§ 53-76. *** *The State Prison Farm, or penitentiary farm, the State Industrial Farm for Women, Bland Correctional Farm and Southampton Correctional Farm at Capron shall be continued and together shall constitute the State Correctional Farm. The Director shall have control of the government, direction and management of the Farm and any other farm or farms established under the authority of this chapter.*

All laws for the government of the penitentiary shall be in force on the State Correctional Farm, so far as applicable, and the same discipline enforced as in the penitentiary; provided, however, that the Board shall make rules and regulations for the discipline, employment, care, treatment, food, quarters and clothing of misdemeanants, which rules and regulations may differ from those applicable to felons.

§ 53-76.1. *The Director shall proceed, with all reasonable dispatch, to establish at suitable places such additional units of the State Correctional Farm as are necessary and appropriate. The Director shall erect, or cause to be erected, all necessary structures, plain and inexpensive in character, and equip the same. The Director may, if he finds it practicable and economical, use prison labor either from the jails, in the manner hereafter set forth, or from the penitentiary or branch prisons thereof, or enter into contract with responsible bidders, in the construction of such buildings.*

§ 53-76.2. *Every county and city of the Commonwealth shall be entitled to the service of the State Correctional Farm, on the basis of its proportion of population to the population of the whole State, or to the extent of the full capacity of the farm; provided, that where there are vacancies in the allotment of any county or city, such vacancy may be temporarily filled by the Director from another county or city in the manner above provided. The Director, with approval of the Governor, shall determine what sections of the State shall be served by each unit of the State Correctional Farm.*

§ 53-76.3. *All females convicted of felony and given a penitentiary sentence may be committed by the court to the appropriate unit of the State Correctional Farm, it being the purpose of this Chapter to remove female prisoners from the penitentiary at Richmond, and from the jails as far as practicable, to a farm for women where they may be properly segregated, given necessary medical attention, employment and discipline.*

The Director may, with the approval of the Governor, transfer to the farm for women, any female prisoners now held or hereafter committed to the penitentiary; and all adult female prisoners in county and city jails, whose sentences are final, may be transferred thereto in the manner provided in § 53-135.1 for transfer of jail prisoners to State, city and county farms.

§ 53-77. **Inventory.**—*The superintendent of the State * Correctional Farm, shall, at the end of each fiscal year, take an inventory and make out a general account between the State and Farm for such year, charging the latter with the value of the stock, tools, implements, materials and supplies, including provisions and clothing on hand at the commencement of the year, and the cost of the same bought during the year, the salaries of officers and guards and all other expenses of the Farm; and crediting it with work done by the convicts on the buildings and permanent fixtures on the Farm, the value of the stock, tools, implements, etc., on hand at the end of the year, the value of all products furnished the*

penitentiary, all moneys received for the sale of such products and all other debits and credits necessary to show a true account of the Farm with the State.

§ 53-78. **Application of proceeds and income from farm; itemized account and reports.**—All proceeds and income from the State * *Correctional Farm*, including the revenues derived from the operation of the dairy and other industries, or so much thereof as may be necessary, shall be applied by the Director to the maintenance and operation of the State * *Correctional Farm*, including the maintenance, care and guarding of the prisoners, and the maintenance and operation of the hospital, dairy and other industries located and operated on the Farm, of which a correct and itemized account shall be kept and reports thereof made, and included in the regular reports of the Director.

§ 53-79. **Raising and training of bloodhounds for police purposes.**—It shall be the duty of the superintendent of the State * *Correctional Farm* to keep on the Farm, upon the most advantageous terms possible, one male and two female bloodhounds of suitable breed, which he shall keep on the Farm for breeding purposes. He shall have them and their progeny properly cared for and trained to track criminals. He shall, upon the order of the circuit court or board of supervisors of any county, or upon the like order of the corporation court, or the council of any city, furnish to the sheriff of such county, or to the sergeant of such city, free of charge, such bloodhounds as may be necessary and can be safely spared from the Farm. The expense of transporting such bloodhounds shall be borne by the county or city ordering them. Whenever the supply of such bloodhounds shall exceed the demand for the same under the foregoing provisions of the section, the superintendent is authorized to sell the surplus ones to other parties, and he shall account for the revenue derived therefrom as part of the annual revenues of the State * *Correctional Farm* fund.

§ 53-89. **Misdemeanant suspected by court of having contagious or infectious disease.**—Whenever * *any court or judge* shall have reason to believe that a person convicted by or before it or him of a misdemeanor, and then under sentence to serve, or is serving a jail sentence is afflicted with any contagious or infectious disease dangerous to the public health, the court shall proceed to have such person examined by the physician of the jail to which such person is or would be committed, or in which he is then confined. If when so examined such person be afflicted with such disease, the court * *or judge* may commit such person directly to * *the State Correctional Farm*.

§ 53-92. **Selection of jail prisoners by * Bureau of Correctional Field Units or other units.**—Nothing in this article shall be construed as to interfere with the present selection of jail prisoners by the * *Bureau of Correctional Field Units*, or other * *units* that may be provided by law.

§ 53-94. **Provision for employment, care, etc.; diseased prisoners.**—It shall be the general purpose of the State * *Correctional Farm* to provide proper employment, medical and mental care and treatment, discipline and control of prisoners committed, or transferred, thereto, and all prisoners infected with dangerous communicable or contagious diseases shall not be discharged until the period of contagion has passed, regardless of the length of sentence, provided that no one shall be held for a period longer than a year on the original commitment, except by an order of the State Department of Health, as provided under the health laws.

§ 53-95. **Escapes.**—Any * *misdemeanant* who * *escapes* from the State * *Correctional Farm* shall be guilty of * *an additional misdemeanor* and * *punished under § 18.1-9*.

§ 53-96. **Transportation of prisoners.**—All transportation costs shall be out of the general criminal accounts fund of the treasury, as at present provided by law; provided, however, that nothing in this article shall prohibit the use of the present system of transporting employed by the penitentiary or branch prisons thereof, * *Bureau of Correctional Field Units*, * *training schools*, Department of Welfare and Institutions or other State agencies engaged in the transportation of prisoners.

§ 53-98. **Funds for farms.**—In order to provide funds for the establishment and operation of the State * *Correctional Farms*, the Director shall receive the per diem allowance for the several prisoners that are transferred to such farm or farms which shall be based upon and fixed by the average per capita cost of maintaining prisoners at such Farm * for the preceding fiscal year, which, with the approval of the Governor, may be anticipated in advance from the treasury to an amount not in excess of the average per capita allowance for all jail prisoners during the last preceding year based on the maximum capacity of the proposed institution or institutions for the first year of its operation; provided that the Director may use any of his unused available funds out of general appropriation, or any funds, materials, equipment or lands that he may secure, whether from private or public sources, without obligation to the State.

§ 53-100. **What constitutes.**—All male prisoners convicted of felony, and sentenced to confinement in the penitentiary, and all males now convicted and confined in the public jails, or who may be hereafter convicted and so confined, and sentenced to * *labor on the public roads* for a misdemeanor, shall, when delivered to the penitentiary, under the provisions of §§ 53-101 to 53-104, constitute the * *Bureau of Correctional Field Units*.

§ 53-102.1. **Persons liable to work on public works within counties, cities and towns.**—Persons over the age of eighteen years imprisoned for violation of city, town or county ordinances or sentenced to jail for not more than thirty days for offenses against the Commonwealth or if for more than thirty days, pending their delivery as members of the * *Bureau of Correctional Field Units*, shall be liable primarily to work on * *public works* within such cities, towns or counties, as provided in § 53-163, at the request of the proper authorities thereof.

§ 53-103. **When male misdemeanants sentenced to * *Bureau of Correctional Field Units*.**—Whenever a male person eighteen years of age or older is convicted of any misdemeanor or felony for which a jail sentence might be imposed, either for a fixed period of time, or a sentence to serve in default of payment of fine or in default of surety, the judge trying the case may, in his discretion, in lieu of committing him to jail, sentence him to a like period on the public roads, and cause him to be delivered into the custody of the Director, to be kept by him as a member of the * *Bureau of Correctional Field Units*, in accordance with law, and subject to work on the public roads.

§ 53-104. **Physical examination of person transferred from jail to road force.**—When the Director shall require any prisoner, before being transferred from jail to the * *Bureau of Correctional Field Units*, to be examined by a physician, the fee for such examination, which shall

not exceed five dollars in any case, shall be paid by the State in the manner provided by law for the payment of fees to physicians for attending prisoners in jail. When a chest X-ray is deemed necessary, an additional fee, which shall not exceed five dollars in any case, shall be paid by the State as provided hereinabove.

§ 53-107. **Credit for good behavior.**—All persons sentenced by any of the courts of this Commonwealth, or by a * *judge thereof*, to work on the public roads, in lieu of a jail sentence, and all persons confined in jail who are worked on the * *Bureau of Correctional Field Units* shall be allowed credit for good behavior on their sentences to the same extent and upon the same terms as are provided by §§ 53-209 to 53-216.

§ 53-108. **Notice of sentence; sending for prisoner.**—When any prisoner is sentenced by any court or * *judge* to work on the public roads, it shall be the duty of the judge * *immediately* to notify the Director of such sentence in each case, and it shall be the duty of the Director to send for such prisoner within two weeks from the time such notice is received.

§ 53-109. **Use of * *Bureau of Correctional Field Units* in construction and maintenance of highways; acquisition, preparation and disposition of road material.**—The * *Bureau of Correctional Field Units* as now or hereafter constituted shall, so far as practicable, be employed in the construction and maintenance of the State Highway System, and secondary system of State highways, and to this end may be used in rock quarries, gravel pits and other plants in the preparation of materials for construction and maintenance of roads.

The State Highway Commission may acquire out of the proceeds of the money, now or hereafter available for construction and maintenance of the State Highway System, and secondary system, such quarries, gravel pits or plants as may in its opinion be necessary for such work; and the Highway Commission shall on the request of any county road authorities allow such county road authorities to take from such quarries or gravel pits or shall sell to such county road authorities at cost of production such materials as may be required to be used for the construction and maintenance of county roads; but this arrangement must in no way interfere with the furnishing of materials by the Highway Commission for the maintenance or construction of the State Highway System and secondary system.

The State Highway Commission shall make requisition, from time to time, upon the Director for such number of the * *Bureau of Correctional Field Units* as it may deem necessary for the work on the State Highway System, or secondary system, or for the preparation of road material for road construction and maintenance. The number of convicts so requisitioned shall not be less than sixteen hundred for each day convicts are used by the Commission, exclusive of its prisoners employed in the operation and maintenance of the * *correctional field units*. Thereupon the Director shall send to the place designated by the Commission the number of such convict road force so required, and all of the provisions of this chapter and § * 53-221 shall apply.

* * *

§ 53-109.1. **Payments by State Highway Commission to Director for convict labor.**—The State Highway Commission shall pay to the Director monthly for the hours convicts are employed on the State highway, primary system and secondary system and work incidental thereto.

including relocation and moving of * *correctional field units*, for each hour such convict is so employed not more than the local hourly rate for similar type of labor in the area in which such convicts are employed and not less than seventy-five percent of such local hourly rate for similar type of labor in the area where such convicts are employed as evidenced by the payrolls of the Department of Highways in such area. Such monthly payment by the Commission to the Director shall be made not later than the fifteenth day of the succeeding month after the work or labor has been performed for the Commission, provided, however, that the State Highway Commission shall allocate the sum of three hundred thousand dollars annually to the Director for the * *Bureau of Correctional Field Units* to be used as an advance against such monthly payments.

§ 53-114. **Applicability of provisions, and rules and regulations, relating to penitentiary.**—All pertinent provisions of other chapters of this title, and all rules and regulations made by the State Board, governing the prisoners in the penitentiary, shall be applicable to the * *Bureau of Correctional Field Units* and to the prisoners comprising the same, unless, in the judgment of the State Highway Commissioner, it is necessary to change, alter or amend such rules and regulations in order to make same applicable to the efficient and economical use of the * *Bureau of Correctional Field Units* in the construction of roads under this chapter, in which case the State Highway Commissioner may so change, alter or amend such rules and regulations as to make same so applicable for their use.

§ 53-115. **Punishment for escape of jail prisoners from * *correctional field unit*.**—Whenever any jail prisoner * *escapes* from * *a correctional field unit* and * *is* recaptured, he shall be taken by the officer having him in custody before a * *court not of record* in the county or city where such escape was made, * *which court* shall, after a trial and upon conviction of such escape, sentence him to the * *Bureau of Correctional Field Units* for a term not less than thirty days nor more than * *twelve months*. *

§ 53-116. **Funds received under this chapter.**—The Director shall hold all moneys received by him under this chapter as the * *Bureau of Correctional Field Units* fund, and the same shall be paid out on his order.

§ 53-117. **Discharge of prisoners.**—The Director shall have power to discharge any of the prisoners wherever they may be in this State, when his term shall have expired, and § 53-219 shall apply to convicts in the * *Bureau of Correctional Field Units* on jail sentences as well as to the felons committed to hard labor on the roads and to convicts in * *all penal institutions*.

§ 53-118. **Director to make trusties of convicts in * *Bureau of Correctional Field Units*.**—The Director, at the request of the State Highway Commissioner, shall, as far as practicable, make trusties of the convicts of the * *Bureau of Correctional Field Units* employed under this chapter.

§ 53-119. **Director to furnish quarters and equipment.**—The Director shall provide suitable and movable quarters, such quarters to be built, as far as can be, with convicts' labor, and shall supply all necessary cooking utensils, beds and bedding, and means for transporting convicts and camp fixtures for the camps or stations of the * *Bureau of Correctional Field Units*.

§ 53-120. **Transportation of force.**—All convicts forming the * *Bureau of Correctional Field Units* shall be transported to and from the jails or the penitentiary in which confined, in the same manner, the costs thereof to be paid in the same way as is now provided by law for transporting convicts to the penitentiary, except that prisoners of the * *Bureau of Correctional Field Units* may be transported anywhere in this State upon the direction of the Director.

§ 53-122. **Director to provide food, clothing, etc.; guards.**—The Director shall provide, in the same manner he provides for convicts in the penitentiary, all clothing, food, quarters and guards for the * *Bureau of Correctional Field Units* when at work on the roads of any county in this State. The Director, with the consent of the State Highway Commissioner first obtained, may appoint and authorize employees of the Department of Highways to act as guards of convicts when such convicts are at work on the roads under the jurisdiction of the State Highway Commission. Such employees shall be deemed to be acting within the scope of their official duties for the State Highway Commission when acting as guards pursuant to this section.

§ 53-122.1. **Prisoners performing work for counties, towns and cities.**—(1) The Director is authorized to enter into agreements with the proper authorities of any county, town, or city in the State, to build and maintain roads and streets, and to do such other public works as may be approved by the Director and the Governor; provided, nothing in this section shall interfere with the * *Bureau of Correctional Field Units* employed on the State Highway System.

Convicts employed pursuant to the provisions of this section shall be subject to the same authority and control as that which governs the use of convicts employed by the * *Bureau of Correctional Field Units*, except as hereinafter otherwise provided.

(2) The county, town or city for which such work is performed shall pay to the Director in monthly installments such sum as is necessary to cover the costs of work done by such convicts at the rate provided by the provisions of § 53-109.1.

(3) Applications for the use of prison labor under this section shall be filed with the Director.

(4) The county, town or city that has the use of prison labor authorized by this section shall designate the projects to be worked, provided that prisoners shall not be employed in densely populated areas wherein such employment might endanger the public health, safety or welfare of the citizens residing therein, and shall furnish all engineering service, all tools, implements, machinery and equipment, used in such projects; shall secure rights-of-way; and shall furnish such foremen as the Director deems necessary to direct the work, providing all county, town or city foremen and employees associating with the prisoners are acceptable to the Director.

(5) The Director and the county, town or city authorities may make such agreements as are necessary to carry out the true intent and purpose of this section.

§ 53-135.1. **Director may transfer jail inmates.**—The Director shall have the power to transfer any jail inmate whose sentence is final from a jail to any State or city farm, State * *Training school* or * *correctional field unit*; provided that any jail inmate whose sentences are final and

excluding fines and costs total more than twelve months, shall in all instances be so transferred; provided further that nothing in this section shall interfere with the control and maintenance of the * *Bureau of Correctional Field Units*, State * *Correctional farm*, State * *Training schools*, or State penitentiary, as provided by law.

§ 53-136. *Cost of maintenance of jails.*—(1) *Borne ratably by counties, cities and towns using.*—In any instance in which a penal institution of a county, city or town is designated by the Board as the place where prisoners committed by the courts or other authorities of any other county, city or town shall be confined, any capital outlays incurred for necessary repairs, improvements or additions to such penal institution, and all costs of maintenance of such jail chargeable to the localities, shall be borne ratably by the several counties, cities or towns using it.

(2) *How proportioned.*—The share of each respective county, city or town involved in such costs shall be such proportion of the total cost of such repairs, improvements, additions and other such costs as the total aggregate number of days spent in local penal institutions by prisoners committed by the courts or other authorities of such county, city or town, for the five year period next preceding the year in which such repairs, improvements or additions are begun, or other costs incurred, bears to the total aggregate number of days spent in local penal institutions by the prisoners committed by the courts or other authorities of both or all of the counties, cities and towns using the penal institution to which such repairs, improvements or additions are made, or in which such other costs are incurred. The amount to be paid by each county, city or town involved shall be determined by the Board on the basis herein set forth.

(3) *Statements to be furnished by Board; approval of expenditures over five hundred dollars.*—The Board shall furnish a statement of the several shares of the cost so determined to the governing body of each county, city and town involved, and the respective shares shall be paid within thirty days from the date upon which such statement is furnished. If the costs of any such repairs, improvements or additions will not exceed * *two thousand* dollars they may be authorized by the governing body of the county, city or town to whose penal institution such repairs, improvements or additions are to be made; but if the costs will exceed * *two thousand* dollars, such repairs, improvements or additions shall be recommended by the Board and agreed on in advance by the governing bodies of both or all of the counties, cities and towns involved.

(4) *Court to determine disagreements.*—In case of disagreement the matter of the extent of the repairs, improvements or additions and the proportionate cost to the respective localities involved shall be determined by the circuit or corporation court of the locality which owns or maintains the penal institution proposed to be repaired, improved or added to, upon the petition of the Board.

(5) *"Local penal institutions,"* as used herein, means a jail, jail farm, or lockup, maintained and operated by a county, city or town, or by two or more such political subdivisions of this State.

§ 53-140. *When judge or trial justice may designate jail.*—In the recess of the court of the county or city, and before a jail is adopted under the preceding section (§ 53-139), the judge of the court or the * *judge of the court not of record with criminal jurisdiction* may, by

warrant, direct any person committed or to be committed to the jail of such county or city, to be conveyed by the officer in whose custody he is, to some other jail, to be designated in the warrant.

§ 53-142.1. **Jurisdiction of judge or justice of adopting county or city empowered to act under § * 37.1-67.**—When the jail of any other county or city has been adopted or designated under the provisions of §§ 53-139, 53-140 and 53-142, any judge or justice empowered to act under § * 37.1-67 of the adopting county or city shall have concurrent jurisdiction with those of the county or city wherein the adopted or designated jail is located, in proceedings under chapter * 2 (§ * 37.1-63 et seq.) of Title * 37.1 of the Code of Virginia, with respect to such persons as have been committed there from the adopting county or city, and such judge or justice may perform any such act or duty at such place as if such person was confined within the jurisdiction of the adopting county or city.

§ 53-145. **Jails for United States prisoners.**—The jailer of any county or city shall receive into his jail any person committed thereto under the authority of the United States, and keep him safely according to the warrant or precept of commitment, until he shall be discharged under the laws of the United States. But no person arrested on civil process shall, under this section, be committed to any other jail than that of the county or city within which such person resides or is found.

The * *county or city* shall, for the support of any such prisoner, be paid by the United States. *

§ 53-146. **Liability as to United States prisoners.**—For a failure of duty as to any such prisoner of the United States, the jailer shall be liable to the United States, * in like manner as, in the case of a prisoner committed under the authority of the State, he would be liable to the State.

§ 53-161. **Courts to fine jailers for failure of duty.**—If it appear to the court * *of record having jurisdiction* that the jailer has in any respect failed to perform his duties, the court may, in a summary way, after summoning him to show cause against it, fine him not exceeding * *fifty* dollars.

§ 53-163. * **Work forces.**—The council of each city or town of the Commonwealth may establish * *work forces* in such city or town under such regulations as the council of the city or town may prescribe, for the purpose of working on the streets, roads and public property therein, or farms owned or leased by such city or town and of working in or on any other public property or works owned, leased or operated by such city or town, whether the same be located within such city or town or in the county where such city or town is situated. Every male person above the age of eighteen years, who is convicted for any violation of an ordinance of any such city or town, which by such ordinance is punishable by confinement in jail or fine, and who is imprisoned as a punishment or for failure to pay such fine, shall be liable to work in such * *work force*; but nothing in this section shall abridge the right of the proper authorities to send minors to the reformatories of the State.

In every city or town which does not maintain a * *work force* within the meaning of this section, the provisions of §§ * 53-102.1 and 53-104 shall apply.

§ 53-164. Appeal of person sentenced to * *work force*.—Any person so sentenced to such * *work force* or public works shall have the right of appeal from such sentence to the circuit or corporation court, as the case may be.

§ 53-166. Sheriffs and sergeants not to be interested in property where work performed.—No sheriff or sergeant or *deputy of either* shall work any prisoner on property owned by him or by his relative, or on projects in which he is interested, nor shall any such prisoner be used for the personal gain or convenience of any sheriff or sergeant or his * *deputy*, or of any private individual. Any person found guilty of a violation of this section shall be guilty of a misdemeanor.

§ 53-179. Reimbursement of counties and cities.—The Commonwealth shall reimburse the county or city, as the case may be, for such proportionate part of the reasonable cost of food (other than the cost of preparing and serving the same, which shall be included as a part of the expenses of the sheriff or sergeant pursuant to § 14.1-75 and of the clothing, medicines, lights, electric light bulbs, water, heat, disinfectants, bedding, mops, brooms, brushes, cloths and other cleaning supplies, soap, towels, toilet tissue, sanitary supplies for women, dishes, pots, pans, cutlery and other utensils used in preparing and serving food, water buckets and garbage cans and other similar supplies required for the prisoners confined in any county or city jail, but not including beds, chairs, tables, benches, desks, furnaces, toilet fixtures, heating stoves, paint and painting equipment, locking devices and building material, as the aggregate number of days spent in such jail by prisoners accused or convicted of violation of the laws of the Commonwealth, by persons held as witnesses in cases to which the Commonwealth is a party, by persons confined in jail for contempt of court, and by persons suspected of being *mentally ill* or adjudged insane under the laws of the Commonwealth, bears to the total aggregate number of days spent in such jail by all prisoners confined therein; provided, however, that the counties and cities working prisoners on projects shall pay the entire cost of feeding and caring for such prisoners even though they are serving sentences for violation of the laws of the Commonwealth.

§ 53-195. County and city farms; persons who may be confined.—The governing body of any county or city of this State may, within their respective jurisdictions or elsewhere, establish and maintain a farm where any person convicted and sentenced to confinement in the jail of such county or city, or sentenced to the * *Bureau of Correctional Field Units*, or sentenced to be confined in jail or held in the * *Bureau of Correctional Field Units* for failure to pay any fine or cost or execute any bond as provided by law, may be confined and required to do such work as may be assigned him during the term of sentence aforesaid, under such rules and regulations as may be prescribed by such governing body or the farm board appointed to manage such farm.

§ 53-198. Authority of superintendent and guards.—The superintendent shall have and exercise the same control and authority over the prisoners committed or transferred to such farm as the jailers of this State have by law over the prisoners committed or transferred to their jails.

During the term of their appointment the superintendent and guards shall, within the limits of such farm and within one mile thereof, whether such farm is situated within or beyond the limits of such county or city establishing and maintaining the same, and in conveying prison-

ers to and from such farm, have, and they are hereby invested with all of the powers and authority * of a conservator of the peace.

§ 53-201. **Work by prisoners.**—All prisoners convicted and sentenced or transferred to such farm shall be required to work on such farm, unless for good cause shown the court or judge * so sentencing and committing such prisoners shall otherwise order.

All prisoners so convicted and sentenced or transferred to such farm may thereafter be sent to and be required to work on the * *Bureau of Correctional Field Units* in the manner provided by law in case of prisoners confined in the jails of this State.

§ 53-206. **Regional farms.**—(a) Within the limits of funds available therefor, the Director is authorized and directed to acquire, construct, equip, maintain and operate such prison farms, in addition to those established, as shall be required for the detention and proper care of all male persons convicted of offenses against the Commonwealth and sentenced to confinement for more than thirty days. All real estate so acquired shall be held in the name of the Commonwealth.

(b) Such prison farms shall be so located, with reference to prison farms and jail farms established and to the several counties and cities of the State, as to make either a prison farm or jail farm as accessible as possible to each of the counties and cities.

(c) All buildings, other than temporary buildings and buildings heretofore constructed, used as dormitories at such prison farms shall be of fireproof or fire-resisting construction.

(d) In the construction of all buildings and other structures at such prison farms, and in the development and equipment of such prison farms, the Director shall, insofar as possible, make use of prison labor and of products manufactured, processed or produced at institutions under the supervision and control of the Director.

(e) Any person confined at any such prison farm may be required to work at such farm, and any such person so employed shall be entitled to the same credit on fines and costs, or costs, as is allowed prisoners held to labor in the * *Bureau of Correctional Field Units*, and the provisions of § 53-221 relating to such credits shall be applicable to such fines and costs.

§ 53-206.1. **County and city regional jail or jail farm; persons who may be confined.**—The governing bodies of any two or more counties or any two or more cities in this State or the governing bodies of any one or more counties and one or more cities in this State may establish, maintain and operate a regional jail or jail farm where any person convicted of a misdemeanor or a violation of a county or city ordinance and sentenced to confinement in the jail or jail farm of such county or city or sentenced to the * *Bureau of Correctional Field Units* or sentenced to be confined in jail or jail farm or held in the * *Bureau of Correctional Field Units* for failure to pay any fine or cost or execute any bond as provided by law may be confined and required to do work as may be assigned him during the time of sentence aforesaid, under such rules and regulations as may be prescribed of the jail or jail farm board appointed to manage such farm.

§ 53-206.2. **When juveniles may be committed.**—Whenever a juvenile may be committed under chapter 8 (§ 16.1-139 et seq.) of Title 16.1 and whenever the regional jail or jail farm to which the juvenile is sought to be committed as herein provided, has provided separate

quarters for the housing and detention of juveniles and when such jail or jail farm shall make provision for working and at all times keeping separate and distinct juveniles from adult prisoners the several courts * of the State, in addition to the powers given them in chapter 8 of Title 16.1, with the consent of the proper authority of the jail or jail farm, may in their discretion commit the juvenile to any such jail or jail farm for an indeterminate period, not to exceed one year, to be there dealt with in such manner and required to do such work as will promote the best interest of the juvenile and the Commonwealth.

§ 53-206.3. **Members of jail or jail farm board.**—Each such regional jail or jail farm shall be controlled by a board to consist of at least one representative from each county and/or city participating therein, who shall be appointed by such county and/or city. Such representatives shall be entitled to necessary expenses incurred in attending meetings of the board and in addition each shall receive an allowance of * *twenty* dollars per day for each day that he shall be in attendance on the board. Such allowance, however, not to exceed in any one year the sum of * *two hundred forty* dollars, to be paid by the county and/or city respectively. The accounts for such expenses and allowances shall be made out and verified by affidavits of the representatives and attested by the secretary of the board.

§ 53-206.6. **Authority of superintendent and guards.**—The superintendent shall have and exercise the same control and authority over the prisoners committed or transferred to such jail or jail farm as the jailers of this State have by law over the prisoners committed or transferred to their jails. During the term of their appointment the superintendent and guards shall within the limits of such jail or jail farm and within one mile thereof, whether such jail or jail farm is situated within or beyond the limits of such county and/or city establishing and maintaining the same, and in conveying prisoners to and from such jail or jail farm have and they are hereby invested with all the powers and authority * *of a conservator of the peace.*

§ 53-206.8. **Work of prisoners.**—All prisoners convicted and sentenced or transferred to such jail or jail farm shall be required to work on such jail or jail farm or on any other property as the board may direct unless for good cause shown the court or judge * so sentencing and committing such prisoners shall otherwise order. All prisoners so convicted and sentenced or transferred to such jail or jail farm may thereafter be sent to and be required to work on the * *Bureau of Correctional Field Units* in the manner provided by law in case of prisoners confined in the jails of this State.

§ 53-208. **Deduction of time of confinement while awaiting trial.**—Any person who may be sentenced by any court to a term of confinement in the penitentiary, or by any court or * *judge* to a term of confinement in jail, for the commission of a crime, or in jail for default in the payment of a fine, shall have deducted from any such term all time actually spent by such person in any mental institution for examination purposes or treatment prior to trial or in jail or the penitentiary awaiting trial, or pending an appeal, and it shall be the duty of the court or * *judge*, when entering the final order in any such case, to provide that such person so convicted be given credit for the time so spent. In no case shall a prisoner be allowed credit for time not actually spent in confinement, and in no case is a prisoner on bail to be regarded as in confinement for the purposes of this statute. No such credit, however, shall be given to any person who shall break jail or make an escape. All persons

heretofore sentenced to confinement in the penitentiary and now actually confined therein, in whose case the final order entered by the court in which they were convicted fails to provide for credit for the time actually spent by such person in the penitentiary awaiting trial or pending an appeal, shall nevertheless receive credit for such time so spent in the penitentiary, and it shall be the duty of the superintendent of the penitentiary to make such allowance of credit to such persons in addition to the good conduct allowance required under §§ 53-209 to 53-216.

§ 53-213. **Good conduct allowance of persons convicted after October 1, 1942.**—Every person who on or after October first, nineteen hundred forty-two has been or is convicted of a felony and every person convicted of a misdemeanor and confined in any part of the * *Division of Corrections* shall, for every twenty days he is or has been held in confinement after sentence, either in jail awaiting removal to the * *Division of Corrections* or in any part of the * *Division of Corrections* to which he has been or is sent to serve the sentence imposed upon him, without violating any jail or prison rule or regulation, be allowed a credit of ten days upon his total term of confinement to which he has been or is sentenced in addition to the time he actually serves or has served, *except that no prisoner who is convicted of a felony committed while in jail awaiting removal to the penal institutions, or while confined in any part of the State prison system, shall be eligible for any such credit.* So much of the credit allowed to misdemeanants by the section as applies to time served prior to June twenty-fourth, nineteen hundred and forty-four, shall be in lieu of, and not in addition to, any credit they may have earned under the law as it existed prior to such date, and so much of an order of any court contrary to the provisions of this section shall be deemed null and void.

§ 53-219. **Allowance on discharge; transportation.**—The Director shall give a felon or a misdemeanant, who has served at least eight months on his release, all funds accumulated to his credit pursuant to §§ 53-220, 53-220.1 and 53-222 of the Code of Virginia, and not withdrawn by him. In the event such funds do not total twenty-five dollars, the Director in his discretion, may add sufficient money from the appropriation for criminal charges to enable the felon or misdemeanant to have a minimum of * *twenty-five* dollars available for withdrawal by him at the time of his release. The Director also may provide such person upon his request with transportation to the county or city where he was committed, or to such other point in the State as may be approved by the Director. Such person may also be furnished, if he needs it, suitable clothing.

§ 53-221. **Rate for prisoners to work out fine; limitation of service; good conduct allowance; discharge; relief from liability.**—Every person held to labor in the * *Bureau of Correctional Field Units*, or State * *Correctional Farm* for the nonpayment of fine * shall be entitled to a credit on such fine * of seventy-five cents for each day he shall work, and of twenty-five cents for each other day of confinement. A statement of the amount of the fine * shall be made out by the judge * trying the case, or his clerk, and he shall deliver such statement to the person into whose custody the prisoner is committed for delivery to the * *Bureau of Correctional Field Units* or State * *Correctional Farm*. The prisoner shall work out the fine * and shall thereupon be discharged from custody, provided no person shall be held for the nonpayment of fine * in the * *Bureau of Correctional Field Units* or State * *Correctional Farm* for a longer period than six calendar months, although the credit due shall not discharge the fine * in full.

Every person confined, as provided in this section, shall be entitled to a good conduct allowance under the provisions of §§ 53-209 to 53-216, which shall also operate to reduce such six months' maximum confinement hereinabove provided for in cases when same is applicable.

Upon discharge from custody, as heretofore provided, the fine * of every prisoner shall be discharged in full, and the person in whose custody he shall be at the time of his release shall certify the fact that the prisoner has served his sentence for the nonpayment of fine * to the clerk of the court, in the office of which the judgment is docketed, who shall file the certificate with the papers of the case, and shall endorse the fact of the discharge of the fine * by virtue of such certificate, upon the margin of the judgment lien docket where the judgment for such fine * is docketed.

Every person who heretofore shall have been confined according to the provisions of law at the time in force, and been discharged according to such law, shall be entitled to the same relief as is provided in this section for persons discharged after the same takes effect.

§ 53-223. **Investment of funds belonging to prisoners; use of income.**—Any portions of the funds held by the Director, or held by any penal institution under his jurisdiction, belonging to prisoners wherever confined, may, in the discretion of the Director, be invested in bonds of the *Commonwealth of Virginia or of the United States*. Any income or increment of increase received from such bonds may be used by the Director, in his discretion, for the benefit of the prisoners under his care.

§ 53-224. **Hours of labor.**—The Director shall, through the superintendents, wardens, managers or officials of the penitentiary, State * *Correctional Farm*, or camps, in the State, so far as it is practicable, cause all of the prisoners in such institutions or camps, who are physically capable to be employed at useful labor *

§ 53-227. **Loss of accumulated time for attempting to escape.**—In case a prisoner attempts to escape or leaves, without permission, the State penitentiary, State * *Correctional Farm* or any * *correctional field unit* shall, upon being recaptured or taken, lose all his accumulated time.

§ 53-228. * The power to commute capital punishment and to grant pardons or reprieves in misdemeanor and felony cases is * *vested* in the Governor who shall exercise such powers as he in his discretion deems advisable.

§ 53-229. **Investigation of cases for executive clemency.**—The *Virginia Probation and Parole Board* shall, on the request of the Governor, investigate and report to the Governor on all cases in which executive clemency is sought. The Board may so investigate and report in any case in which it believes action on the part of the Governor is proper or for the best interest of the Commonwealth.

§ 53-231. **Appointment.**—The *Probation and Parole Board* shall consist of three members appointed by the Governor subject to confirmation by the General Assembly, if in session when such appointment is made, and if not in session, then at its next succeeding session.

§ 53-232. **Terms of Members.**—* All appointments to the *Probation and Parole Board* shall be for terms of six years, except appointments to fill vacancies which shall be made for the unexpired terms.

§ 53-233. **Suspension or removal of members.**—The members of

the *Probation and Parole Board* shall be subject to suspension or removal by the Governor in his discretion.

§ 53-234. **Director of Probation and Parole.**—The Governor shall designate one of the members so appointed as Director of Probation and Parole. The Director of Probation and Parole shall serve as chairman of the Board. Whenever the word “*Director*” is used in this * *chapter* it shall mean the Director of Probation and Parole except when the Director of the Department of Welfare and Institutions is expressly referred to, and whenever the word “*Board*” is used in this * *chapter* it shall mean the Virginia Probation and Parole Board.

§ 53-236. **Salaries of members of Board.**—The members of the * Board shall receive such salary as may be provided from time to time in the general appropriation acts.

§ 53-239. **Hearings and subpoenas.**—The * Board is authorized to hold and conduct hearings, to issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the * Board or any representative of the Board, and to administer oaths and to take testimony thereunder. In its discretion the * Board may authorize any member of the Board to hold and conduct hearings, issue subpoenas, and administer oaths and take testimony thereunder. If any person shall fail or refuse to obey any such subpoena issued by the * Board or any member thereof, or shall hinder the orderly conduct and decorum of any hearing held and conducted by the * Board or any member thereof, he shall be guilty of a misdemeanor and upon conviction shall be punished accordingly.

§ 53-240. **Access to prisoners; reports of prison officials.**—It shall be the duty of all prison officials to grant to the members of the * Board, or its properly accredited representatives, access at all reasonable times to any prisoner whom the * Board has power to parole, to provide for the * Board, or such representatives, facilities for communicating with and observing such prisoner, and to furnish to the * Board such reports as the Board or the Director shall request concerning the conduct and character of any prisoner in their custody, and other facts deemed by the * Board pertinent in determining whether such prisoner shall be paroled.

§ 53-241. **Functions, powers and duties of the Director of Probation and Parole.**—In addition to his other functions, powers and duties prescribed by law, the Director of *Probation and Parole*, sometimes in this article referred to as the Director, shall:

(1) Preside at all meetings of the * Board and cause to be kept by the secretary the minutes of its proceedings and all other records required by law or by the Board to be kept incident to its functions, powers and duties;

(2) Carry or cause to be carried into effect all orders of the Board and all rules and regulations adopted by it pursuant to the provisions of this article;

(3) With respect to parole and parolees, direct and supervise the work of all probation and parole officers appointed pursuant to the provisions of this article;

(4) Prepare and submit to the several circuit and corporation courts of the Commonwealth, authorized to appoint probation and parole officers pursuant to the provisions of this article, lists of persons suitable and qualified, in his opinion, for appointment as such officers;

(5) Make such use of agents and employees of the Department of Welfare and Institutions as may be made available by the Director of that Department in the administration of this article. The Director of *Probation and Parole* is also authorized, within the limit of funds available for such purpose, to employ such additional agents and employees as may be needed in the administration of this article. The employment and removal of all such agents and employees who are compensated at a rate of eighteen hundred dollars or more per annum shall be subject to the approval of the * Board.

§ 53-242. **Division of State into parole districts.**—The * Board shall divide the State into as many separate parole districts as it deems necessary or desirable effectively to carry out the purposes of this article, and may change, from time to time, the area embraced in any parole district to conform to circumstances, conditions, needs, and demands as they arise or develop.

§ 53-244. **How such officers appointed.**—When the area of any district lies solely in counties and cities comprising a single judicial circuit, the officer or officers shall be appointed by the judge of the circuit. When the area of a parole district lies in counties located partly in two or more judicial circuits, the probation and parole officers shall be appointed by the joint action of the judges of the several circuits. If there are more than two such judges, a majority vote shall control the appointment. When the area of a parole district lies partly in counties comprising part of a judicial circuit and partly in a city having a corporation or hustings court, the appointment shall be made by the joint action of the circuit and corporation or hustings court judges with a majority vote controlling. When a parole district lies wholly within a city, the appointment shall be made by the judge or judges of the corporation or hustings court or courts, a majority of the judges controlling the appointment. Whenever the appointment is to be made by two judges and they fail to agree upon an appointee or fail to notify the Director * that any list of eligible persons submitted by him is unsatisfactory, after the expiration of sixty days from the time the list was submitted the Board shall appoint the probation and parole officer for the district involved.

Such appointments shall be made from lists of eligible persons submitted by the Director * , but if any list submitted is unsatisfactory to the judge or judges, or a majority of them having the appointing power, the Director * shall, at his or their request, submit additional lists containing the names of additional eligible persons until an appointment satisfactory to the judge or judges may be made. At least two of the names contained in each list shall be names of persons resident in the district for which the appointment is to be made.

§ 53-247. **Payment of expenses and compensation.**—Each probation and parole officer shall also be paid all necessary traveling and other expenses incurred by him in the discharge of his duties hereunder. The salary and expenses herein provided for shall be paid by the State and no part shall be paid by or chargeable to any county or city, except as hereinafter provided.

Provided, however, the governing body of any county or city may add to the fixed compensation of such probation and parole officers such amount as such governing body may appropriate with such total amount not to exceed fifty percent of the amount paid by the State to such probation and parole officers and provided further that no such

additional amount paid by such city, cities, county or counties shall be chargeable to the Department of Welfare and Institutions or the *Probation and Parole Board*, nor will it remove or supersede any authority, control or supervision of such Department or Board.

§ 53-249. Use of officers as to persons convicted of violation of ordinance.—Upon request of the governing body of a county, city or town the probation and parole officer shall perform the same duties and have the same powers as to persons convicted for violations of ordinances of the county, city or town as he has as to persons violating laws of the State, but the county, city or town so using the services of such probation and parole officer shall pay a pro rata part of his expenses to be arrived at by mutual agreement between the local governing body and the *Probation and Parole Board*.

§ 53-250. Functions, powers and duties of probation and parole officers.—In addition to other functions, powers and duties prescribed by this article, each probation and parole officer shall:

(1) Investigate and report on any case pending in any court or before any justice in his jurisdiction referred to him by the court or justice;

(2) Supervise and assist all persons within his territory placed on probation, and furnish every such person with a written statement of the conditions of his probation and instruct him therein;

(3) Supervise and assist all persons within his territory released on parole;

(4) Arrest, and recommit to the place of confinement from which he was released, or in which he would have been confined but for the suspension of his sentence or of its imposition, for violation of the terms of probation or parole, any probationer or parolee under his supervision, or as directed by the Director * , or the court, pending a hearing by the * Board or the court, as the case may be;

(5) Keep such records, make such reports, and perform such other duties as are required of him by the Director and by the rules and regulations prescribed by the * Board, and such as are required of him by the court or judge by whom he was appointed.

Provided that nothing in this article shall be considered as requiring the investigation or supervision of cases before juvenile and domestic relations courts under provisions of §§ 63-257 to 63-307.

§ 53-251. Eligibility for parole.—(1) Except as herein otherwise provided, every person convicted of a felony, and sentenced and committed under the laws of this Commonwealth to the State penitentiary, the State * *Correctional Farm*, or any of the * *Bureau of Correctional Field Units* camps, and any subsidiary institution, if a part of the major penal system, shall be eligible for parole after serving one fourth of the term of imprisonment imposed, or after serving twelve consecutive years of the term of imprisonment imposed if one fourth of the term of imprisonment imposed is more than twelve years. In case of terms of imprisonment to be served consecutively, the total time imposed shall constitute the term of the imprisonment; in the case of terms of imprisonment to be served concurrently, the longest term imposed shall be the term of imprisonment.

(2) Persons sentenced to die shall not be eligible for parole.

(3) Persons sentenced to life imprisonment shall be eligible for parole after serving fifteen consecutive years.

§ 53-251.2. **Eligibility of persons sentenced to jails for more than twelve months.**—Persons convicted of felonies or misdemeanors who are sentenced to jails, not eligible under § 53-251.1, shall be eligible for parole in the same manner as provided in § 53-251; provided the total sentences to be served, exclusive of fines * are more than twelve months; and provided further that such jail inmates are incarcerated by transfer or commitment to the same State penal institutions as set forth in § 53-251. The Virginia *Probation and Parole Board* shall have the same powers and duties to carry out the provisions of this section as are set forth in § 53-238.

§ 53-253. **Thorough investigation prior to release.**—No person shall be released on parole by the * Board until it has made, or caused to be made, a thorough investigation as to the history, the physical and mental condition, and the character of the prisoner and his conduct, employment and attitude while in prison, nor until the * Board has determined that his release on parole will be compatible with the interests of the prisoner and of society.

§ 53-254. **Public or private hearings.**—Hearings by the * Board may be either public or private.

§ 53-257. **Parolees to comply with terms; furnishing copies.**—Each parolee while on parole shall comply with such terms and conditions as may be prescribed by the * Board. When any prisoner is released on parole, the Director shall furnish such parolee, and the probation and parole officer having supervision of such parolee, a copy of the terms and conditions of the parole and any changes which may from time to time be made therein.

§ 53-258. **Arrest and return of parolee to institution.**—The * Board may at any time, in its discretion, upon information or a showing of a violation or a probable violation by any parolee of any of the terms or conditions upon which he was released on parole, issue, or cause to be issued, a warrant for the arrest and return of such parolee to the institution from which he was paroled, or to any other penal institution which may be designated by the Board. The Director may also at any time, in his discretion, upon information or a showing of a violation or probable violation by any parolee of any of the terms or conditions upon which such parolee was released on parole, issue, or cause to be issued, a warrant for the arrest and return of such parolee to the institution from which he was paroled, or to any other penal institution which may be designated by the Director. Each such warrant shall authorize all officers named therein to arrest and return such parolee to actual custody in the penal institution from which he was paroled, or to any other institution designated by the Board or the Director, as the case may be.

§ 53-260. **Parolee considered as escapist after issuance of warrant.**—Any parolee for whose arrest a warrant has been issued by the * Board or by the Director shall, after the issuance of such warrant, be treated as an escaped prisoner, and the time from the issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence.

§ 53-261. **Procedure on return of parolee to institution.**—When any parolee is returned or delivered to any institution in accordance with the provisions of § 53-258, he shall be held in accordance with rules of

the * Board and subject to further action of the Board. The officer in charge of such institution shall see that the * Board is notified promptly of each such return or delivery.

§ 53-262. Revocation of parole; extension of terms and conditions of parole; further confinement.—Whenever any parolee is arrested and recommitted as hereinbefore provided, the * Board shall consider the case and act with reference thereto as soon as it may be conveniently possible. The Board, in its discretion, may revoke the parole and order the reincarceration of the prisoner for the unserved portion of the term of imprisonment originally imposed upon him, or it may reinstate the parole either upon such terms and conditions as were originally prescribed or as may be prescribed in addition thereto or in lieu thereof.

§ 53-263. Discharge of parolee.—When any paroled prisoner has faithfully performed all of the conditions and obligations imposed upon him by the terms of his parole for such time as shall satisfy the * Board that his final release is not incompatible with his welfare or that of society, the * Board may enter a final order of discharge and issue to the paroled prisoner a certificate of discharge.

§ 53-264. Release of prisoner subject to parole.—The Director of the Department of Welfare and Institutions shall release, or cause to be released, into the custody of the *Probation and Parole Board* or any of its probation and parole officers or to the Director of *Probation and Parole*, any prisoner subject to parole under the laws of this State whenever directed so to do by the *Probation and Parole Board* or by the Director of *Probation and Parole*.

§ 53-265. Cases of executive clemency; investigations and reports; supervision of prisoners given conditional pardons.—(a) The provisions of this article shall not be construed as limiting or abridging in any respect the powers of the Governor with respect to executive pardons, commutations of sentences, reprieves, or remissions of fines and penalties. The Director and the * Board shall make such investigations and reports with respect to any pardon, commutation of sentence, reprieve, or remission of fine or penalty, applied for, sought or contemplated, as the Governor may request.

(b) The Director, through the probation and parole officers, shall further exercise such supervision over prisoners released on conditional pardon as the Governor may require.

§ 53-266. Appointment, removal and oath of office.—The judges of all courts of record of this State having jurisdiction of criminal cases and police justices may appoint one or more qualified persons, male or female, as probation officers under the direction of the court making such appointment. The appointing judge or justice may remove for cause any probation officer after due notice and opportunity to be heard. The appointment of a probation officer and designation, where proper, of a chief probation officer shall be made upon the recommendation of the *Probation and Parole Board*, shall be in writing and entered on the records of the court of the judge making such appointment, and copies of the order of appointment shall be delivered to the officer so appointed, and filed in the office of the * Board. Each probation officer, before entering upon the duties of his office, shall take an oath of office, to be administered by the judge making the appointment.

§ 53-268. Appointment based upon merit.—The * Board shall establish rules and regulations pursuant to which appointments under this

article shall be made to the end that such appointments shall be based upon merit only.

§ 53-279. **Duties of Parole Board.**—The *Probation and Parole Board* shall cooperate in every way possible with the courts of this Commonwealth in putting this article into operation and making it effective and useful. It shall conduct examinations or inquiries as to the fitness of applicants for appointment as probation officer and shall make recommendation thereon to the proper courts. It shall prepare standard forms for the use of probation officers, and shall in general supervise and foster probation work in this State.

§ 53-292. **Conspiracy as a felony.**—Any * *two* or more convicts so confined, or in such custody, who conspire together to commit any offense mentioned in the preceding section (§ 53-291), shall be deemed guilty each of felony.

§ 53-294. **If convict commit any other felony, how punished.**—If a convict in the penitentiary commit any felony (other than is provided for in the * *two* preceding sections (§§ 53-291 * and 53-292)), which is punishable by confinement therein or with death, he shall suffer the same punishment as if he had been discharged before committing it.

§ 53-301. **When prisoner surrendered as witness.**—Prisoners may be surrendered as witnesses if a judge of any court of record of the United States or of the District of Columbia, or of any state, certifies under the seal of such court that:

(1) There is a criminal prosecution pending in such court or that a grand jury investigation has commenced or is about to commence;

(2) A person confined in the Virginia State penitentiary, at a * *Bureau of Correctional Field Units* camp, at the State farm, or at any other prison under the jurisdiction of the Director is a material witness in such prosecution, or grand jury investigation, and that his presence will be required at a time stated;

(3) The officer presenting the certificate is authorized to receive custody of such prisoner and will retain him in his custody until his return to this State;

(4) The prisoner will be safely returned to the custody of the Director at the penitentiary in Richmond, at such * *field unit* camp, or at the prison at which he is, as the Director may direct.

Upon presentation of such certificate to the Director, the Director may, in his discretion, *with the approval of the Governor* if he is of opinion that the ends of justice will be promoted thereby, surrender any such prisoner into the custody of any such officer named in such certificate.

§ 53-305. **Appointment of committee for property.**—When a person is convicted of a felony and sentenced to confinement in the penitentiary or to the * *Bureau of Correctional Field Units* for one year or more his estate, both real and personal, if any he has, shall, on motion of any party interested, be committed by the circuit or corporation court of the county or city in which his estate, or some part thereof is, to a person selected by the court, who after giving bond before the court, in such penalty as it may prescribe, shall have charge of the estate until the convict is discharged from confinement.

§ 53-314. Notice to immigration authorities.—If it shall appear that such person is an alien it shall be the duty of the warden, superintendent, sheriff or other officer in charge of such State or county institution immediately to notify the United States immigration officer in charge of the district in which such penitentiary, reformatory, jail or other institution is located, of the date of and the reasons for such alien's commitment, the length of time for which committed, the country of which he is a citizen, his age, and the date and vessel, *vehicle or aircraft* on which and the * *place* at which he last entered the United States.

2. That §§ 53-5, 53-6, 53-7, 53-22, 53-32, 53-43, 53-65, 53-66, 53-80, 53-81, 53-82, 53-83, 53-84, 53-85, 53-86, 53-90, 53-91, 53-93, 53-99.1, 53-124, 53-125, 53-126, 53-128, 53-167, 53-183.1, 53-217, 53-225, and 53-278 of the Code of Virginia are repealed.

3. That for and as the title, or caption, of Article 3 of Chapter 1 of Title 53 of the Code of Virginia, the words "Industrial Goods and Services" hereafter shall be used in the place and stead of the words "Prison Goods", and Title 53 shall be construed as having been so amended.

4. That hereafter Chapter 3 of Title 53 of the Code of Virginia shall not be divided into articles, but every section thereof shall be construed as a correlative of every other section, to which end all numbers and titles, or captions, by which such former articles shall have been designated are repealed.

5. It is the intention of the General Assembly that this act shall be liberally construed to effect the purposes set out herein, and if any clause, sentence, paragraph or section of this act shall ever be declared unconstitutional, it shall be deemed severable, and the remainder of this act shall continue in full force and effect.

6. This act shall become effective October 1, 1970.

