
VIRGINIA STATE BUDGET

1997 Session

Budget Bill - HB1600 (Introduced)

Bill Order » Office of Administration » Item 78

Compensation Board

Item 78

First Year - FY1997

Second Year - FY1998

Financial Assistance for Confinement in Local Facilities (35600)	\$49,221,240 \$48,058,312	\$45,150,848 \$53,276,644
Financial Assistance for Adult Confinement in Local Facilities (35601)	\$49,221,240 \$48,058,312	\$45,150,848 \$53,276,644
Fund Sources:		
General	\$49,221,240 \$48,058,312	\$45,150,848 \$53,276,644

Authority: §§ [53.1-83.1](#), [53.1-84](#) and [53.1-85](#), Code of Virginia.

A. The individual or entity responsible for operating any facility which receives funds from this Item may, if requested by the Department of Corrections, enter into an agreement with the Department to accept the transfer of convicted felons, specified in Paragraph F. or G. of this Item, from other local facilities. In entering into any such agreements, or in effecting the transfer of offenders, the Department of Corrections shall consider the security requirements of transferred offenders and the capability of the local facility to maintain such offenders. For purposes of calculating the amount due each locality, all funds earned by the locality as a result of an agreement with the Department of Corrections shall be included as receipts from these appropriations.

B. The appropriation in this Item also includes an amount not to exceed \$377,010 ~~in each~~ *the first year and \$377,010 the second year from the general fund*, which shall be held in reserve for unbudgeted medical expenses incurred by local correctional facilities in the care of state responsible felons as defined by § [53.1-20](#), Code of Virginia.

C. Should this appropriation prove to be insufficient to fund all of the provisions, any amount remaining in the reserve as of June 1, 1997, and June 1, 1998, may be reallocated among localities on a pro rata basis according to such deficiency.

D. The following amounts shall be paid out of this appropriation to compensate localities for the cost of maintaining prisoners arrested on state warrants in local correctional facilities, as defined by § [53.1-1](#), Code of Virginia, or if the prisoner is not housed in a local correctional facility, in an alternative to incarceration program operated by, or under the authority of, the sheriff or jail board:

1. \$8.00 per prisoner day, and
2. an additional \$14.00 per prisoner day if the prisoner is housed and maintained in a jail farm not under the control of the sheriff.

E. For the payment specified in Paragraph D. of this Item for prisoners in alternative punishment or alternative to incarceration programs:

1. Such payment is intended to be made for prisoners that would otherwise be housed in a local correctional

facility. It is not intended for prisoners that would otherwise be sentenced to community service or placed on probation.

2. No such payment shall be made unless the program has been approved by the Department of Corrections or the Department of Criminal Justice Services. Alternative punishment or alternative to incarceration programs, however, may include supervised work experience, treatment, and electronic monitoring programs.

F. In addition to the amounts specified in Paragraph D. of this Item, \$6.00 per prisoner day shall be paid out of this appropriation to maintain any felon sentenced to the Department of Corrections for a felony committed before January 1, 1995, in local correctional facilities pursuant to § 53.1-20.1, Code of Virginia. Such payment shall be made on and after the sixty-first day ~~after the sentencing~~ *following the receipt of the final court order* for felons sentenced for a total of more than two years.

G. In addition to the amounts specified in Paragraph D. or of this Item, \$6.00 per prisoner day shall be paid out of the appropriation to maintain any person convicted of a felony committed on or after January 1, 1995, in local correctional facilities pursuant to § 53.1-20.1, Code of Virginia. Such payment shall be made on and after the sixty-first day ~~after the date of sentencing~~ *following the receipt of the final court order* for felons sentenced for a total of more than six months.

H.1. Where a convicted felon is held awaiting trial for additional felony charges, the payment specified in Paragraph F. or G of this Item shall not be made until all such charges are adjudicated.

2. The payment specified in Paragraph F. or G of this Item shall be made as follows, whichever is later: a. beginning on the date that the final outstanding felony charge is adjudicated; or, b. as specified in Paragraph F. or G of this Item.

3. The payment specified in Paragraph F. or G of this Item shall not be made for any convicted felon who remains incarcerated in a local correctional facility at the request of the locality.

I. Effective July 1, 1996, in addition to the amounts specified in paragraphs F. or G. of this section, the Comptroller shall transfer to the Compensation Board, from funds appropriated in this act to the Department of Corrections, an amount to compensate the localities for the full cost of confining convicted felons pursuant to § 53.1-20.1 of the Code of Virginia. The Compensation Board shall pay to the localities such sums as follows:

1. In the case of felons convicted of offenses committed prior to January 1, 1995, who have been sentenced to more than ~~three~~ two years, \$1.00 per prisoner day from the sixty-first to the ninetieth day ~~from sentencing~~ *from the receipt by the Director of the Department of Corrections of the complete final order from the clerk of the committing court*, \$3.00 per prisoner day from the ninety-first to the one hundred twentieth day ~~from the day of sentencing~~ *from the Director's receipt of the complete final order from the clerk of the committing court*, and \$6.00 per prisoner day thereafter.

2. In the case of felons convicted of offenses committed *on or after* January 1, 1995, who have been sentenced to more than ~~one year~~ six months, \$1.00 per prisoner day from the sixty-first to the ninetieth day ~~from sentencing~~ *from the receipt by the Director of the Department of Corrections of the complete final order from the clerk of the committing court*, \$3.00 per prisoner day from the ninety-first to the one hundred twentieth day ~~from the day of sentencing~~ *from the Director's receipt of the complete final order from the clerk of the committing court*, and \$6.00 per prisoner day thereafter.

J. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 1996, in the appropriation made in Item 87 of Chapter 853, Acts of Assembly (1995), and any amendment thereto, in the subprogram Financial Assistance for Confinement in Local Facilities, and the balance remaining in this subprogram on June 30, 1997.

K.1. Except as provided for in paragraph K.2., and notwithstanding any other provisions of this item, the Compensation Board shall reimburse any locality with an average daily jail population of under ten in fiscal year 1995 an inmate per diem rate of \$22 per day for local responsible inmates and \$28 per day for state responsible inmates held in these jails in lieu of personal service costs for corrections' officers, effective July 1, 1997.

2. Any locality covered by the provisions of this section shall be exempt from the provisions thereof if such locality has entered into an agreement to house its prisoners in an existing regional jail, reduces daily operating costs to the state-wide average by June 30, 1997, or has entered into an agreement by June 30, 1997, to participate in the construction of a new regional facility, which is consistent with the provisions of Item 469.E.4., of this act.

L. Effective July 1, 1997, the Compensation Board shall recover and deposit into the general fund an overhead charge for each federal prisoner held in a local or regional jail. Such overhead charge shall be at a daily rate per federal prisoner to be determined by the Auditor of Public Accounts based on an indirect cost allocation study for each facility housing federal prisoners.