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# VIRGINIA STATE BUDGET

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1998 Session

## Budget Bill - HB29 (Introduced)

Bill Order » Office of Public Safety » Item 457

Division of Institutions

Item 457 (Not set out)	First Year - FY1997	Second Year - FY1998
<b>Secure Confinement (35700)</b>	<b>\$256,238,809</b>	<b>\$283,923,871</b>
Adult Rehabilitation and Treatment Services (35701)	\$18,715,462	\$19,049,289
Adult Security (35702)	\$237,523,347	\$264,874,582
Fund Sources:		
General	\$254,092,891	\$280,125,239
Special	\$2,145,918	\$3,798,632

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Authority: §§ [53.1-12](#), [53.1-19](#), [53.1-23](#), [53.1-24](#), [53.1-42](#), [53.1-43](#), [53.1-138](#), [53.1-188](#) and [53.1-190](#), Code of Virginia.

A. The Department of Corrections shall continue to implement recommendations made in the report "Security Staffing in Adult Facilities of the Virginia Department of Corrections". Changes to facility post audits shall be made in accordance with the methodology prescribed in the report and approved by the Director or his designee. Security positions added at or subsequent to the 1997 Session for any correctional center or field unit shall not be filled until post audits have been completed and approved as provided in the above report.

B. The Department of Corrections shall develop a plan for the construction of prison facilities using prototype designs which incorporate the use of inmate-produced pre-cast or other materials and the use of inmate labor in the electrical, HVAC, plumbing/sprinkler, roofing, carpentry, masonry, welding, and equipment operation construction trades, as well as for general labor. The plan shall provide for the use of inmate-produced materials and labor on such facilities as minimum and medium security prisons, juvenile correctional facilities, work release facilities, classroom and multi-purpose buildings and ancillary facilities on existing Department or other State-owned sites. The plan shall also identify the locations where such facilities may be constructed, and shall address the feasibility of using inmate-produced materials and labor to reconstruct the St. Brides Correctional Center for use as a facility for youthful offenders and/or juvenile offenders. The plan shall be presented to the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 1996.

C. The Department of Corrections, in cooperation with the Departments of Conservation and Recreation, Game and Inland Fisheries, and Forestry, shall increase the number of inmates assigned to work projects at state parks and natural areas, wildlife management areas, fishing lakes, boat ramps and forests, with a goal of utilizing 600 inmates on a full-time basis, effective not later than June 30, 1997. A progress report on the implementation of this program shall be presented to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by October 1 of each year.

D. The total number of inmates for which support costs are provided to the Department of Corrections, based on projected average daily populations in state facilities, is 25,436 the first year and 26,456 the second year.

E. Included in this appropriation is \$42,000 the first year and \$42,000 the second year from special funds which

shall be paid to the Prison Visitation Project, Inc. The funding to support this appropriation shall be provided from profits generated by prison commissary operations.

F.1.a. Included in this appropriation is \$8,425,977 the first year from the general fund to contract for out-of-state beds and for beds in Virginia local and regional jails, and \$7,269,862 the second year from the general fund, including \$2,869,862 for the capital lease payment and \$4,400,000 for operating expenses to contract for private site selection, construction, financing, maintenance, and operation of one 1,500-bed medium security facility to be located in Brunswick County, opening on or after March 1, 1998; one 1,000-bed medium security facility to be located in Charlotte County, opening on or before January 1, 2000; and, an additional 950 beds in work release, pre-release and return-to-custody facilities for adult offenders in Virginia. The timing of facility construction in the contracts for the additional 950 beds in work release, pre-release and return-to-custody facilities should coincide with the need for more state-responsible inmate beds based on the forecasted state-responsible inmate population and the completion of other authorized prison and alternative incarceration facilities, as certified by the Secretary of Public Safety.

b. Such contracts may, subject to approval of the Governor and the provisions of § 53.1-262, Code of Virginia, provide for the private construction, financing, maintenance and operation of facilities on lands currently owned by the Department of Corrections. Pending completion of this action, the Department is also authorized to use these funds for reasonable oversight costs associated with the private prison contracts, and to contract for up to 2,000 out-of-state beds on a temporary basis for adult offenders.

c. The General Assembly finds that the Commonwealth currently has a sufficient stock of minimum security prison bed space to satisfy its needs and that additional space with higher security levels is needed to incarcerate violent offenders. Therefore, the Department of Corrections' current competitive negotiation for the financing, design, construction and operation of a 1,000-bed minimum security private prison is hereby amended to instead procure the financing, design, construction and operation of a 1,000-bed medium security private prison. No advertising, evaluation, or other work on the Department's competitive negotiation process for the procurement of a 1,000-bed minimum security prison need be redone, any other provision of law to the contrary notwithstanding. The source of funding for this security enhancement to this project shall be federal funds pursuant to the Violent Offender and Truth-in-Sentencing Incentive Grant Program administered by the U. S. Department of Justice.

d. It is the intent of the General Assembly that the Department of Corrections return all Virginia state inmates from the Newton County, Texas, Detention Center to Virginia, not later than June 30, 1997.

2. In contracting for temporary out-of-state beds, the Department shall give priority to immediately relieving crowding in those jails where such crowding is the direct result of the Department of Corrections' failure to comply with § 53.1-20, Code of Virginia. It is the intent of the General Assembly that consideration be given to immigration status, state residency and family ties in selecting inmates for transfer to out-of-state beds.

3. The Department shall not enter into any contract which will result in an inmate in the custody of the Commonwealth of Virginia being housed in a facility not directly operated by the Commonwealth of Virginia or its political subdivisions, unless the governing body of the locality in which such non-state facility is located has consented, by formal resolution, to the location and operation of such facility within its borders.

4. The Department shall provide quarterly reports, to the Chairmen of the House Appropriations and Senate Finance Committees on its progress in implementing these actions.

5. Private financing as permitted by § 53.1-262.5.e., Code of Virginia, may be used so long as the maximum amount payable by the Commonwealth under capital lease, lease-purchase or similar arrangements annually shall not exceed the dollar amount of the appropriation.

6. The portion of the appropriation needed to make semiannual payments related to the financing of the private

prisons' construction costs, may be transferred to the Treasury Board for the purpose of making such payments on behalf of the Department of Corrections.

G. Included in this appropriation is \$318,000 the second year from the general fund for the Department of Corrections to either pay for the Department of Correctional Education to provide classroom instruction at the private prisons or privately contract for the educational staff once the Board of Correctional Education develops appropriate standards.

H. Included in this appropriation is \$6,781,689 the first year and \$6,311,542 the second year from the general fund to make semiannual payments related to the financing of the construction costs for the Wallen's Ridge Prison (Big Stone Gap). This funding may be transferred to the Department of Treasury for the purpose of making such payments on behalf of the Department of Corrections.

I. The amounts for Adult Rehabilitation and Treatment Services include amounts, estimated at \$6,827,658 the first year and \$7,799,588 the second year, from revenues generated by the inmate telephone services contract.