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# VIRGINIA STATE BUDGET

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2003 Session

## Budget Bill - HB1400 (Introduced)

Bill Order » Office of Public Safety » Item 421

Division of Institutions

Item 421	First Year - FY2003	Second Year - FY2004
<b>Secure Confinement (35700)</b>	<b>\$403,981,362</b> <b>\$371,672,593</b>	<b>\$403,346,172</b> <b>\$362,318,285</b>
Adult Rehabilitation and Treatment Services (35701)	\$24,411,596 \$24,090,056	\$24,431,596 \$22,643,650
Adult Security (35702)	\$379,569,766 \$347,582,537	\$378,914,576 \$339,674,635
Fund Sources:		
General	\$382,522,076 \$358,346,946	\$384,657,434 \$354,404,043
Special	\$21,459,286 \$13,325,647	\$18,688,738 \$7,914,242

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, in cooperation with the Departments of Conservation and Recreation, Game and Inland Fisheries, and Forestry, shall continue to pursue the use of inmates assigned to work projects at state parks and natural areas, wildlife management areas, fishing lakes, boat ramps and forests. 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.

B. Included in this appropriation is \$80,000 the first year and \$100,000 the second year from special funds which shall be paid to the Prison Family Support Services, Inc. The funding to support this appropriation shall be provided from profits generated by prison commissary operations.

C.1. Included in this appropriation is \$18,559,147 the first year and \$18,559,147 the second year from the general fund to contract with a private company to operate and maintain a 1,500-bed medium security correctional facility located in Brunswick County.

2.a. The Department of Corrections shall issue a Request for Proposals for the procurement through competitive negotiation of a private prison management firm to operate the Lawrenceville Correctional Center after the current contract for operation of the facility expires on March 22, 2003. The Department shall encourage maximum competition for the new contract from all private prison management companies that are capable of operating a facility of this size and level of security. Upon the completion of the Department's evaluation of the proposals and upon the tentative selection of an offeror on the basis of cost, contractor qualifications, prior record of performance, and other relevant considerations, the Department shall compare the projected cost of operation by the private contractor with the projected cost of operation by the Department using its own employees, and shall prepare a report on its findings.

b. The Governor shall provide copies of this report to the Chairmen of the Senate Finance and House

Appropriations Committees for their review and comment. Pursuant to § 2.2-4342 B, Code of Virginia, this report, being in the nature of a cost estimate related to a procurement transaction prepared by a public body, shall not be made public nor released in response to a Freedom of Information Act request.

c. If, after receiving the Chairmen's comments, as well as an analysis of this report by the Department of Planning and Budget, the Governor concludes that it is less costly for the Department of Corrections to operate the facility using its own employees, the Governor shall direct the Department to do so. If the Governor concludes that it would be less costly to operate the facility with a private contractor, then, provided that a satisfactory contract can be negotiated and provided that the cost of the proposed contract for the operation of the facility by a private vendor can be accommodated within the constraints of the state budget and that the contract is in the general best interests of the Commonwealth, the Governor may authorize the Department to enter into the contract.

d. Nothing in this item is intended to amend the provisions of the Virginia Public Procurement Act or to prohibit the Department from negotiating a contract with another offeror, if a satisfactory offer cannot be negotiated with the offeror first selected.

D. The Department shall continue to utilize up to \$1,300,000 each year in federal funds from the Department of Criminal Justice Services to establish a structured treatment program for youthful offenders at St. Brides Correctional Center and to expand intensive substance abuse treatment services in correctional facilities. The Department shall submit annual reports on its progress in implementing this program to the Secretary of Public Safety and the Chairmen of the House Appropriations and Senate Finance Committees. Federal funds received by the Department of Corrections from the state prisoners component of the federal Residential Substance Abuse Treatment Program to implement the provisions of this paragraph shall be exempt from payment of statewide and agency indirect cost recoveries into the general fund. Funds received by the Department of Corrections pursuant to the federal Residential Substance Abuse Treatment Program for state prisoners program shall be used exclusively for the purposes specified in this paragraph.

E.1. The Department of Corrections is authorized to contract with other governmental entities to house male and female prisoners from those jurisdictions in facilities operated by the Department.

2.a. The State Comptroller shall continue the Contract Prisoners Special Revenue Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Commonwealth of Virginia and other governmental entities for the housing of prisoners in facilities operated by the Virginia Department of Corrections.

b. The Department of Corrections shall have the responsibility for recording and maintaining all appropriate accounting records and financial reporting of the Fund in accordance with generally accepted accounting principles. The State Comptroller and the Auditor of Public Accounts shall periodically review the Department's accounting and financial procedures for compliance with the requirement of this subparagraph.

c. The Secretary of Finance shall provide the department anticipation loans in such amounts as may be needed to pay the expenses included in subdivision d of this subsection. Such loans shall be based on the revenue anticipated from payments by other jurisdictions for housing their prisoners and, notwithstanding the provisions of § 4-3.02 b of this act, may be extended for a period longer than twelve months.

d. Included in the appropriation for Items 419 through 421 is ~~\$44,302,204~~ \$28,947,096 the first year and ~~\$41,511,656~~ \$19,772,784 the second year from the Fund. ~~The Department of Corrections is authorized to contract with other governmental entities to house more inmates from those jurisdictions than the number upon which this appropriation is based. Any additional revenue accruing to the Fund may be used by the Department to offset reductions in its general fund appropriation, after all state expenses resulting from the housing of such additional inmates have been taken into account.~~

F. Included in this appropriation is \$100,000 the first year and \$100,000 the second year from nongeneral funds for distribution to organizations that work to enhance faith-based services to inmates. The source of the nongeneral funds is profits generated by prison commissary operations.

G. Included in this appropriation is \$75,000 the first year and \$75,000 the second year from nongeneral funds for the Save Our Shelters "Pen Pal" program. The source of the nongeneral funds is from profits generated by prison commissary operations.