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# VIRGINIA STATE BUDGET

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2004 Special Session I

## Budget Bill - HB5001 (Chapter 4)

Bill Order » Office of Public Safety » Item 416

Division of Community Corrections

### Item 416

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A. Subject to the conditions stated in this Item, and with the prior written approval of the Director of the Department of Planning and Budget, there is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2004, and June 30, 2005, in the Financial Assistance for Confinement in Local Facilities program. The reappropriations shall be applicable only for payments owing for physical plant projects for local jails which have been approved by the Governor and for which contracts are in effect June 30, 2004, and June 30, 2005, respectively.

B. From July 1, 2004 to June 30, 2006, except in the circumstances listed below, the Board of Corrections shall not approve or commit additional funds for the state share of the cost of construction, enlargement, or renovation of a local or regional jail facility:

1. Emergency projects needed to comply with Board of Corrections' standards or life safety code requirements;
2. Projects mandated through consent decrees or memoranda of understanding, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 et seq., and required by the United States Department of Justice;
3. Adjustments to previously approved project funding levels, which had been based on planning study estimates, to conform to the actual project costs as determined by competitive bid.
4. The Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center, in order to proceed in planning for an expansion project involving the development of a new community corrections facility with approximately 204 beds, and a 120-bed expansion of the existing jail. Notwithstanding the provisions of § 53.1-82.3, Code of Virginia, the governing body of this proposed facility may submit the required community-based corrections plan, facility specifications, and the expected financing costs to the Department of Corrections and State Board of Corrections for review prior to March 1, 2005. Furthermore, the Governor may include a recommendation for funding such project, for consideration by the General Assembly at its 2005 session.

C. The following projects are hereby exempted from the provisions of Paragraph B. in order to proceed in planning. Pursuant to the provisions of § 53.1-82.3, Code of Virginia, the governing bodies of these proposed facilities shall submit the required community-based corrections plans, facility specifications, and the expected financing costs to the Department of Corrections by March 1, 2005. Furthermore, the Governor may include a recommendation for funding such projects for consideration by the General Assembly at its 2006 Session. The review by the Board of Corrections of each of these projects shall be consistent with Paragraphs D. and E. below and with Item 420 D.

1. Appomatox, Amherst and Nelson Counties, in order to proceed with planning for a regional jail.
2. The Hampton Roads Regional Jail Authority, for a planning study. No funds shall be obligated for reimbursement of the proposed planning study or for reimbursement of the state share of construction costs without approval of the General Assembly.

3. The Gloucester County Jail.
4. The Roanoke County-Salem Jail.
5. The Pittsylvania County Jail.
6. The Riverside Regional Jail Authority.
7. The Rappahannock Regional Jail Authority.

D. The Board of Corrections shall not approve or commit additional funds for the state share of the cost of construction, enlargement, or renovation of a local or regional jail facility, except when such project is consistent with the projected number of local and state responsible offenders to be housed in such facility.

E. The Board of Corrections shall not approve or commit additional funds for the state share of the cost of construction, enlargement, or renovation of a local or regional jail facility, except when such project is proposed to be built using Community Custody Facilities Standards, as adopted by the Board, unless the use of more expensive construction standards is justified, based on a documented projection of offender populations that would require a higher level of security.

F. The Hampton Roads Regional Jail Authority, with the assistance of the Departments of Corrections and Mental Health, Mental Retardation and Substance Abuse Services, may prepare a preliminary report on the feasibility of developing a specialized facility at the regional jail complex for jail inmates referred by the criminal courts of the Commonwealth for evaluation and treatment, pursuant to the provisions of Chapter 11 of Title 19.2 of the Code of Virginia. Such facility would be owned by the Hampton Roads Regional Jail Authority, and operated under contract by the Department of Mental Health, Mental Retardation and Substance Abuse Services, with the goal of reducing waiting times for emergency treatment, evaluation of competency to stand trial and/or sanity, and restoration to competency to stand trial. The Departments of Corrections and Mental Health, Mental Retardation and Substance Abuse Services shall provide all necessary technical assistance to support this study in cooperation with the Hampton Roads Regional Jail Authority. A report on this study shall be provided to the Secretaries of Public Safety and Health and Human Resources, the Chairmen of the Senate Finance and House Appropriations Committees, and the Chairman of the Joint Commission on Health Care, by October 15, 2004.