
VIRGINIA STATE BUDGET

2005 Session

Budget Bill - HB1500 (Chapter 951)

Bill Order » Office of Public Safety » Item 415

Division of Community Corrections

Item 415	First Year - FY2005	Second Year - FY2006
Probation and Reentry Services (35100)	\$59,273,120	\$60,273,068 \$60,643,468
Adult Probation and Parole Services (35101)	\$59,253,120	\$60,253,068 \$60,623,468
Probation and Parole Services Local Grants and Contracts (35105)	\$20,000	\$20,000
Fund Sources:		
General	\$58,138,273	\$59,138,221 \$59,508,621
Special	\$115,000	\$115,000
Dedicated Special Revenue	\$1,019,847	\$1,019,847

Authority: Title 53.1, Chapters 4 and 5, Code of Virginia.

A. Included within this appropriation is \$20,000 the first year and \$20,000 the second year from the general fund to contract with Offender Aid and Restoration of Fairfax for social services, vocational and employment counseling, and client emergency assistance for probation and parole technical violators in the Fairfax County Day Reporting Center Program.

B. The amount for Adult Probation and Parole Services includes \$500,000 the first year and \$500,000 the second year from the general fund for the Containment Model for Supervision of Sex Offenders. The Department of Corrections shall provide a report by December 1 each year to the Secretary of Public Safety on the progress of this program.

~~C. The Department of Corrections shall continue a pilot project directed at achieving effective punishment, control and rehabilitation of felony offenders who are under probation or post-release supervision and could be found to be in technical violation of their supervisory conditions. Notwithstanding the provisions of §§ 19.2-316.2 and 19.2-316.3, Code of Virginia, the pilot project shall allow the Division of Community Corrections to directly refer appropriate offenders to the state detention center incarceration program and diversion center incarceration program without initiating a judicial hearing. The Department of Corrections shall incorporate appropriate procedures to ensure that the referred offenders are those who (i) are most appropriate for such referrals and (ii) pose no significant risk to public safety. The pilot project shall be implemented in selected jurisdictions in a timely manner, as the Department of Corrections deems appropriate. By September 1 of each year, the Department of Corrections shall report to the Secretary of Public Safety, the chairmen of the House Committees on Appropriation and Courts of Justice, and the chairmen of the Senate Committees on Finance and Courts of Justice on the implementation and effectiveness of this initiative.~~

C.1. The Department of Corrections shall establish a pilot program to achieve effective punishment, control, and rehabilitation of felony offenders who are under parole, post-release, or probation supervision and are found to be in technical violation of their supervisory conditions. No program shall be established without the agreement of

the judge, commonwealth's attorney, and sheriff or regional jail superintendent of the relevant jurisdiction. Following a revocation hearing as required by §§ 19.2-295.2, 19.2-306, or 53.1-165, Code of Virginia, a judge, or the Virginia Parole Board, if the offender's supervision is under the Board's control, may order a violator to be confined in jail for thirty days to participate in the pilot program. For felons under probation supervision, candidates for the pilot program shall be those who are recommended by Virginia's sentencing guidelines for an active term of incarceration for the violation. While confined in jail, violators in the pilot program shall be eligible to participate in work-release, educational, or other rehabilitative programs as provided by § 53.1-131 of the Code of Virginia.

2. The Department and the sheriffs or regional jail superintendents of any jails in which the pilot program is conducted shall enter into an agreement regarding the number of beds and the rate at which the jail will be reimbursed for housing these offenders. The Department shall notify the Compensation Board, in a manner determined by the Compensation Board of the rate agreed upon by the Department and each sheriff or regional jail superintendent participating in the program. Such rate shall not exceed existing rates authorized in this act and the total statewide average daily number of offenders housed in jails under the provisions of this pilot project shall not exceed 150. The Compensation Board shall reimburse each jail participating in the pilot for such offenders housed, based on the agreed-upon rate.

D. 1. The Department shall, effective July 1, 2005, establish a Return-to-Custody Center program, with the capacity to hold a minimum of 100 offenders, utilizing one or more existing community corrections residential facilities. Such program shall provide for a period of residential supervision of 30-60 days, as specified by the sentencing judge, and shall include opportunities for work release, public service, treatment or other rehabilitative programs as provided in § 53.1-131 of the Code of Virginia.

2. Following a revocation hearing as required by §§ 19.2-295.2 or 19.2-306 of the Code of Virginia, a judge may order a violator to be confined in a Return-to-Custody Center. For felons under probation or post-release supervision, candidates for placement in such a center shall be those who are recommended by Virginia's sentencing guidelines for an active term of incarceration for the violation. A violator placed into this program who fails to comply with supervision rules established by the Department for the program may be returned to the court for consideration of additional sanctions.

E. The Department shall provide a report on the implementation of the programs set forth in paragraphs C. and D. of this item to the Chairmen of the Senate Finance and House Appropriations Committees by September 30, 2005.