2006 Special Session I

Budget Bill - HB5002 (Chapter 3)

Item 384

A. From July 1, 2006 to June 30, 2008, 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.a. 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.

b. Adjustments to previously approved project funding levels for PPEA projects, which had been based on planning study estimates, to conform to the actual contract costs.

4. New jails, jail renovations, or jail expansions by the following localities or authorities:

a. Culpeper County

b. Riverside Regional Jail Authority

c. Rappahannock Regional Jail Authority

d. Gloucester County

e. Loudoun County

f. Brunswick County, in order to proceed in planning for a new jail facility. Notwithstanding the provision of § 53.1-82.3, Code of Virginia, Brunswick County may submit the required studies as prescribed by the Board of Corrections' Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, to the Department of Corrections and State Board of Corrections for review. Furthermore, the Governor may include a recommendation for funding such project for consideration by the General Assembly at its 2008 Session. Included within the required submissions to the Department from Brunswick County shall be an analysis and report indicating the costs and benefits to the county and the state, including long-term operating costs, of joining a regional jail, and documentation that the county has determined whether or not there is interest among surrounding jurisdictions in developing a regional jail project or interest from adjacent regional authorities of allowing Brunswick County to join the regional jail authority or board.

g. The Counties of Warren, Page, Rappahannock, and Shenandoah, in order to proceed in planning for a regional jail facility.

h. The Southside Regional Jail Authority, in order to proceed in planning for expansion of the regional jail facility. The Authority may expand its membership to include Brunswick, Dinwiddie, Mecklenburg, and Sussex Counties.

i. The City of Newport News, in order to proceed in planning for an expansion to the existing jail facility, to be constructed with local funds.

j. The Rockbridge Regional Jail Authority, in order to proceed in planning for expansion of the regional jail facility.

k. Western Virginia Regional Jail Authority, for a new facility to serve Franklin, Montgomery and Roanoke Counties and the City of Salem.

l. Notwithstanding the provisions of § 53.1-82.3, Code of Virginia, the City of Roanoke may submit the required studies as prescribed by the Board of Corrections' Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, to the Department of Corrections and State Board of Corrections for review. Furthermore, the Governor may include a recommendation for funding such project for consideration by the General Assembly at its 2008 session. The City of Roanoke shall explore the feasibility of joining the Western Virginia Regional Jail Authority as part of the planning process or expanding its existing jail. The decision to join the regional jail authority shall be at the discretion of the City Council of the City of Roanoke and the governing board of the Western Virginia Regional Jail Authority.

m. Blue Ridge Regional Jail Authority, for a new facility to replace the Appomattox and Amherst County Jails and to replace the Moneta facility operated by the Authority. Furthermore, the Authority may expand its membership to include Appomattox and Amherst Counties. Notwithstanding the provisions of § 53.1-82.3 of the Code of Virginia, the Authority shall submit the required community-based corrections plans, facility specifications, and expected financing costs to the Department of Corrections by March 1, 2007. Furthermore, the Governor may include a recommendation for funding such project for consideration by the General Assembly at its 2008 Session.

B.1. 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.

2. The Department of Corrections shall establish a working group to provide technical assistance, upon request of the department, in evaluating the population projections that are used to justify the need for additional regional and local jail construction. The department is authorized to request assistance from the State Compensation Board, Department of Corrections, Department of Juvenile Justice, Joint Legislative Audit and Review Commission, and the Virginia Criminal Sentencing Commission.

C. 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.

D.1. No city, county, town or regional jail shall authorize the construction, remodeling, renovation or rehabilitation of any facility to house any inmate in secure custody which results in increased jail capacity without the prior approval of the Board of Corrections.

2. Any facility operated by any local or regional jail in the Commonwealth which houses any inmate in secure custody shall be subject to the provisions of §§ 53.1-5 and 53.1-68, Code of Virginia, as well as all rules, regulations, and inspections established by the Board of Corrections.