2006 Special Session I

Budget Bill - HB5002 (Chapter 3)

Compensation Board

Item 59	First Year - FY2007	Second Year - FY2008
Financial Assistance for Sheriffs' Offices and Regional Jails (30700)	**$370,290,998**	**$370,969,615**
Financial Assistance for Regional Jail Operations (30710)	$84,614,456	$85,336,557
Financial Assistance for Local Law Enforcement (30712)	$82,888,388	$82,560,739
Financial Assistance for Local Court Services (30713)	$41,722,183	$41,966,007
Financial Assistance to Sheriffs (30716)	$11,367,350	$11,367,360
Financial Assistance for Local Jail Operations (30718)	$149,698,621	$149,738,952
Fund Sources:		
General	$370,290,998	$370,969,615

Authority: Title 15.2, Chapter 16, Articles 3 and 6.1; and §§ 53.1-83.1 and 53.1-85, Code of Virginia.

A. The annual salaries of the sheriffs of the counties and cities of the Commonwealth shall be as hereinafter prescribed, according to the population of the city or county served and whether the sheriff is charged with civil processing and courtroom security responsibilities only, or the added responsibilities of law enforcement or operation of a jail, or both. Execution of arrest warrants shall not, in and of itself, constitute law enforcement responsibilities for the purpose of determining the salary for which a sheriff is eligible.

	July 1, 2006 to November 30, 2006	**December 1, 2006 to November 30, 2007**	**December 1, 2007 to June 30, 2008**
Law Enforcement and Jail Responsibility			
Less than 10,000	$59,910	$62,306	$62,306
10,000 to 19,999	$68,861	$71,615	$71,615
20,000 to 39,999	$75,672	$78,699	$78,699

40,000 to 69,999	$82,252	$85,542	$85,542
70,000 to 99,999	$91,391	$95,047	$95,047
100,000 to 174,999	$101,547	$105,609	$105,609
175,000 to 249,999	$106,890	$111,166	$111,166
250,000 and Above	$118,766	$123,517	$123,517

Law Enforcement or Jail

Less than 10,000	$58,711	$61,059	$61,059
10,000 to 19,999	$67,483	$70,182	$70,182
20,000 to 39,999	$74,158	$77,124	$77,124
40,000 to 69,999	$80,607	$83,831	$83,831
70,000 to 99,999	$89,563	$93,146	$93,146
100,000 to 174,999	$99,514	$103,495	$103,495
175,000 to 249,999	$104,753	$108,943	$108,943
250,000 and Above	$116,985	$121,664	$121,664

No Law Enforcement or Jail Responsibility

Less than 10,000	$55,165	$57,372	$57,372
10,000 to 19,999	$61,294	$63,746	$63,746
20,000 to 39,999	$68,104	$70,828	$70,828
40,000 to 69,999	$75,672	$78,699	$78,699
70,000 to 99,999	$84,081	$87,444	$87,444
100,000 to 174,999	$93,422	$97,159	$97,159
175,000 to 249,999	$98,337	$102,270	$102,270
250,000 and Above	$110,453	$114,871	$114,871

B. Out of the amounts provided for in this Item, no expenditures shall be made to provide security devices such as magnetometers in standard use in major metropolitan airports. Personnel expenditures for operation of such equipment incidental to the duties of courtroom and courthouse security deputies may be authorized, provided that no additional expenditures for personnel shall be approved for the principal purpose of operating these devices.

C. Notwithstanding the provisions of § 53.1-120, or any other section of the Code of Virginia, unless a judge

provides the sheriff with a written order stating that a substantial security risk exists in a particular case, no courtroom security deputies may be ordered for civil cases, not more than one deputy may be ordered for criminal cases in a district court, and not more than two deputies may be ordered for criminal cases in a circuit court. In complying with such orders for additional security, the sheriff may consider other deputies present in the courtroom as part of his security force.

D. Should the scheduled opening date of any facility be delayed for which funds are available in this Item, the Director, Department of Planning and Budget, may allot such funds as the Compensation Board may request to allow the employment of staff for training purposes not more than 45 days prior to the rescheduled opening date for the facility.

E. Consistent with the provisions of paragraph B of Item 66, the Board shall allocate the additional jail deputies provided in this appropriation using a ratio of one jail deputy for every 3.0 beds of operational capacity. Operational capacity shall be determined by the Department of Corrections. No additional deputy sheriffs shall be provided from this appropriation to a local jail in which the present staffing exceeds this ratio unless the jail is overcrowded. Overcrowding for these purposes shall be defined as when the average annual daily population exceeds the operational capacity. In those jails experiencing overcrowding, the Board may allocate one additional jail deputy for every five average annual daily prisoners above operational capacity. Should overcrowding be reduced or eliminated in any jail, the Compensation Board shall reallocate positions previously assigned due to overcrowding in accordance with the Board's staffing standards for alternatives to incarceration programs or court services within the sheriff's office or among other jails in the Commonwealth.

F. Two-thirds of the salaries set by the Compensation Board of medical, treatment and inmate classification positions approved by the Compensation Board for local correctional facilities shall be paid out of this appropriation.

G. 1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Master Deputy pay grade to those sheriffs' offices which had certified, on or before January 1, 1997, having a career development plan for deputy sheriffs that meets the minimum criteria set forth by the Compensation Board for such plans. The Compensation Board shall allow for additional grade 9 positions, at a level not to exceed one grade 9 Master Deputy per every five Compensation Board grade 7 and 8 deputy positions in each sheriff's office.

2. Each sheriff who desires to participate in the Master Deputy Program who had not certified a career development plan on or before January 1, 1997, may elect to participate by certifying to the Compensation Board that the career development plan in effect in his office meets the minimum criteria for such plans as set by the Compensation Board. Such election shall be made by July 1 for an effective date of participation the following July 1.

3. Subject to appropriations by the General Assembly for this purpose, funding shall be provided by the Compensation Board for participation in the Master Deputy Program to sheriffs' offices electing participation after January 1, 1997, according to the date of receipt by the Compensation Board of the election by the sheriff.

H. There is hereby reappropriated the unexpended balance in this Item on June 30, 2006, and June 30, 2007.

I. The Compensation Board shall estimate biannually the number of additional law enforcement deputies which will be needed in accordance with § 15.2-1609.1, Code of Virginia. Such estimate of the number of positions and related costs shall be included in the Board's biennial budget request submission to the Governor and General Assembly. The allocation of such positions, established by the Governor and General Assembly in Item 66 of this act, shall be determined by the Compensation Board on an annual basis. The annual allocation of these positions to local Sheriff's offices shall be based upon the most recent final population estimate for the locality that is available to the Compensation Board at the time when the agency's annual budget request is completed. The source of such population estimates shall be the Weldon Cooper Center for Public Service of the University of Virginia or the United States Bureau of the Census. For the first year of the biennium, the Compensation Board shall allocate

positions based upon the most recent provisional population estimates available at the time the agency's annual budget is completed.

J. Any amount in the program Financial Assistance for Sheriffs' Offices and Regional Jails may be transferred between Items 59 and 60, as needed, to cover any deficits incurred in the programs Financial Assistance for Confinement of Inmates in Local and Regional Facilities, and Financial Assistance for Sheriffs' Offices and Regional Jails.

K.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Sheriffs' Career Development Program.

2. Following receipt of a sheriff's certification that the minimum requirements of the Sheriffs' Career Development Program have been met, and provided that such certification is submitted by Sheriffs as part of their annual budget request to the Compensation Board, the Board shall increase the annual salary shown in Paragraph A of this Item by the percentage shown below for a twelve-month period effective the following July 1:

a. 9.3 percent increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and have achieved accreditation from the Virginia Law Enforcement Professional Standards Commission, or the Commission on Accreditation of Law Enforcement agencies, or the American Correctional Association, or,

b. For sheriffs that have not achieved one of the above accreditations:

1. 3.1 percent for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program; and

2. 3.1 percent additional increase for sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and operate a jail; and

3. 3.1 percent additional increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and provide primary law enforcement services in the county.