
VIRGINIA STATE BUDGET

2006 Special Session I

Budget Bill - HB5012 (Chapter 2)

Bill Order » Office of Public Safety » Item 416

Division of Community Corrections

Item 416

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.
5. Culpeper County, in order to proceed in planning for a new local jail facility estimated at 150 beds. Notwithstanding the provisions of § 53.1-82.3, Code of Virginia, Culpeper 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 prior to March 1, 2006. Furthermore, the Governor may include a recommendation for funding such project for consideration by the General Assembly at its 2007 Session. Included within the required submissions to the Department from Culpeper County shall be a report indicating the costs and benefits to the county of developing 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.

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.
8. The Loudoun County Jail, to increase the scope of its current jail construction project to meet its anticipated jail bed requirements for local and state responsible offenders.

D.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 institute a peer review process to evaluate the population projections that are used to justify the need for additional regional and local jail construction. The peer review process shall include, at a minimum, staff from the State Compensation Board, Department of Corrections, Department of Juvenile Justice, Joint Legislative Audit and Review Commission, and the Virginia Criminal Sentencing Commission. The results of the peer review shall be considered by the Board of Corrections prior to the approval of any regional or local jail construction project, for all projects considered by the Board on or after July 1, 2005.

E.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 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.

2. In the development of the plan as provided in Item 403 B. of this act, the Department shall consult with the following regional jails to determine whether such a minimum security facility might be an appropriate part of the additional capacity as authorized in paragraph C of this item:

- a. The Roanoke County-Salem Regional Jail.
- b. The Riverside Regional Jail.
- c. The Rappahannock Regional Jail.

3. In the development of the plan as provided in Item 403 B. of this act, the Department shall consult with the following regional jails to determine whether it may be appropriate for the Department to contract for a portion of

the new bedspace capacity in these facilities for housing state-responsible offenders:

- a. Southwest Virginia Regional Jail.
- b. Middle River Regional Jail.
- c. Clarke-Fauquier-Frederick-Winchester Regional Jail.
- d. Other regional or local jails as the Department may deem appropriate.

4. The Board of Corrections may grant an exception to the provisions of paragraph B. of this item for the following regional jails to develop minimum security facilities for housing state-responsible offenders, including probation and parole violators, under contract with the Department of Corrections, consistent with the plan as provided in Item 403 B. of this act. The following authorities 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 for review prior to March 1, 2006. Furthermore, the Governor may include a recommendation for funding such projects for consideration by the General Assembly at its 2007 Session:

- a. Pamunkey Regional Jail Authority.
- b. Virginia Peninsula Regional Jail Authority.

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.

G. The Department of Corrections may review the required studies as prescribed by the Board of Corrections' Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, submitted to the Department of Corrections, prior to March 1, 2005, by the Counties of Franklin and Montgomery. Furthermore, the Counties of Franklin and Montgomery may join, either jointly or separately, Roanoke County and the City of Salem in a regional jail project. The Governor may include a recommendation for funding such project for consideration by the General Assembly at its 2006 Session.

H. Notwithstanding the provisions of § 53.1-82.3, Code of Virginia, the governing bodies of the Roanoke County-Salem Jail 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 prior to May 1, 2005. Furthermore, the Governor may include a recommendation for funding such project for consideration by the General Assembly at its 2006 session. The review by the Board of Corrections of this project shall be consistent with paragraphs D. and E. of Item 416 and Item 420 D of the Appropriation Act of 2004-06.