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# VIRGINIA STATE BUDGET

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2008 Session

## Budget Bill - HB30 (Introduced)

Bill Order » Office of Public Safety » Item 388

Department of Corrections

### Item 388

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A. From July 1, 2008, to June 30, 2010, 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. The Counties of Brunswick, Dinwiddie, and Mecklenburg in order to proceed in planning for a new regional jail facility.
  - b. The Counties of Warren, Page, Rappahannock, and Shenandoah (all or any combination of three of them), in order to proceed in planning for a regional jail facility.
  - c. 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.
  - d. The Rockbridge Regional Jail Authority, in order to proceed in planning for expansion of the regional jail facility.
  - e. The City of Roanoke for expansion of its existing jail. The city shall explore the feasibility of joining the Western Virginia Regional Jail Authority as part of the planning process or expanding its existing jail.
  - f. Patrick and Henry Counties and the City of Martinsville, in order to proceed in planning for a regional jail. However, Patrick County is also exempted in order to proceed with planning for a new local jail. Included within the required submissions to the Department of Corrections from Patrick County shall be a report indicating the costs and benefits to the county and the state, including a comparative analysis of the long term operating costs of a regional jail versus a local jail, and documentation that the county has determined whether or not there is interest in creating a regional jail with Henry County and the City of Martinsville, or interest from other localities or regional authorities or boards in allowing Patrick County to join a regional authority or board.

B. Notwithstanding the provisions of § 53.1-82.3, Code of Virginia, any locality or group of localities may submit

by March 1 of any year the required studies prescribed by § 53.1-82.1, Code of Virginia, for the review and approval of a local or regional jail project by the Board of Corrections and for consideration by the Governor of inclusion of such project in the budget bill he will submit by December 20 of that year for consideration by the succeeding session of the General Assembly.

C.1. In addition to other criteria set out in the provisions of §§ 53.1-80 through 53.1-82.3, Code of Virginia, 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 unless the following conditions have been met:

- i. such project is consistent with the projected number of local and state responsible offenders to be housed in such facility;
- ii. such project meets the design criteria set out in the Board of Corrections' Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities; and
- iii. 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. 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.

E.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.