
VIRGINIA STATE BUDGET

2008 Session

Budget Bill - HB30 (Introduced)

Bill Order » Office of Public Safety » Item 390

Department of Corrections

Item 390	First Year - FY2009	Second Year - FY2010
Operation of Secure Correctional Facilities (39800)	\$914,521,739	\$914,929,668
Supervision and Management of Inmates (39802)	\$490,265,584	\$490,265,584
Rehabilitation and Treatment Services - Prisons (39803)	\$33,234,222	\$33,642,151
Prison Management (39805)	\$75,578,774	\$75,578,774
Food Services - Prisons (39807)	\$43,552,641	\$43,552,641
Medical and Clinical Services - Prisons (39810)	\$136,660,118	\$136,660,118
Agribusiness (39811)	\$7,952,368	\$7,952,368
Correctional Enterprises (39812)	\$51,355,345	\$51,355,345
Physical Plant Services - Prisons (39815)	\$75,922,687	\$75,922,687
Fund Sources:		
General	\$841,707,254	\$842,115,183
Special	\$72,814,485	\$72,814,485

Authority: §§ [53.1-1](#), [53.1-5](#), [53.1-8](#), and [53.1-10](#), Code of Virginia.

A. Included in this appropriation is \$725,000 in the first year and \$725,000 the second year from nongeneral funds for the purposes listed below. The source of the funds is commissions generated by prison commissary operations:

1. \$150,000 the first year and \$150,000 the second year for Assisting Families of Inmates, Inc., to provide transportation for family members to visit offenders in prison and other ancillary services to family members;
2. \$600,000 the first year and \$600,000 the second year for distribution to organizations that work to enhance faith-based services to inmates; and
3. \$75,000 the first year and \$75,000 the second year for the Save Our Shelters "Pen Pals" program.

B.1. The Department of Corrections is authorized to contract with other governmental entities to house male and female prisoners from those jurisdictions in facilities operated by the department.

2.. The State Comptroller shall continue the Contract Prisoners Special Revenue Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Commonwealth of Virginia and other governmental entities for the housing of prisoners in facilities operated by the Virginia Department of Corrections.

3. Included in the appropriation for this Item is \$19,249,140 the first year and \$19,249,140 the second year from the Fund. The Director, Department of Planning and Budget, is authorized to increase this appropriation to support non-recurring expenditures of the Department of Corrections.

C. The Department of Corrections may enter into agreements with local and regional jails to house state-responsible offenders in such facilities and to effect transfers of convicted state felons between and among such jails. Such agreements shall be governed by the provisions of Item 70 of this act.

D. To the extent that the Department of Corrections privatizes food services, the Department shall also seek to maximize agribusiness operations.

E. Notwithstanding the provisions of § 53.1-45, Code of Virginia, the Department of Corrections is authorized to sell on the open market and through the Virginia Farmers' Market Network any dairy, animal, or farm products of which the Commonwealth imports more than it exports.

F. The Department of Corrections shall administer a STATIC-99 screening to all potential sexually violent predators eligible for civil commitment pursuant to § 37.2-900 et. seq., Code of Virginia, within six months of their admission to the custody of the department. The results of such screenings shall be provided monthly to the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

G. 1. Included in the appropriation for this Item is \$177,292 the first year and \$236,383 the second year from the general fund for the operation of a pilot habitual technical violator center. The Department of Corrections shall designate a correctional facility to serve as the center. The center shall consist of an intensive cognitive remediation treatment program and substance abuse therapy, using practices that have been shown by widely accepted evidence to be effective in reducing recidivism.

2. In the case of an offender under probation supervision for a felony (i) who violates the conditions of his probation, but who has not committed a new criminal offense and (ii) whose score on the worksheets of the Probation Violation Guidelines developed by the Virginia Criminal Sentencing Commission results in a recommendation for incarceration in the Department of Corrections, the court may, in lieu of reimposing the suspended sentence under the provisions of § 19.2-306, Code of Virginia, continue the offender on probation on the condition that the offender enter and successfully complete the program of a habitual technical violator center operated by the Department of Corrections.

3. In the case of an offender under parole supervision for a felony who violates the conditions of his parole, but who has not committed a new criminal offense, the Virginia Parole Board may, in lieu of revoking the offender's parole under the provisions of § 53.1-165, Code of Virginia, continue the offender on parole on the condition that the offender enter and successfully complete the program of a habitual technical violator center operated by the Department of Corrections.

4. The first placement of an offender in a habitual technical violator center shall be for a period of six months. A second placement shall be for a period of twelve months. No offender may be placed in a habitual technical violator center more than two times.

5. The Department of Corrections shall make quarterly reports to the Secretary of Public Safety; the Director, Department of Planning and Budget; and the Chairmen of the House Appropriations and Senate Finance Committees during FY 2009 on the progress in developing the center and its utilization. Thereafter, the department shall make semi-annual reports. The department shall collect the data and develop the framework and processes that will enable it to conduct an in-depth evaluation of the program three years after it has been in operation.

H. 1. Included in the appropriation for this Item is \$595,521 the first year and \$761,394 the second year from the

general fund for the development and operation of three pilot transition centers.

2. The Department of Corrections shall create 100-bed transition centers in three correctional facilities. The inmates assigned to these centers shall have 12 months or less to serve on their sentences. In the centers, the department shall use a cognitive community program model, which will utilize evidence-based practices of social learning and cognitive restructuring that have been shown to reduce recidivism. In addition to cognitive therapy, the centers shall emphasize discharge planning. To facilitate the successful reentry of offenders in the program to society, the department shall utilize, in addition to the staff supported by the funding identified in this paragraph, transition specialist positions previously provided to the department.

3. The department shall report quarterly in FY 2009 to the Secretary of Public Safety; the Director, Department of Planning and Budget; and the Chairmen of the House Appropriations and Senate Finance Committees on the progress of developing and implementing the program. Thereafter, it shall report semi-annually. The department shall collect the data and develop the framework and processes that will enable it to conduct an in-depth evaluation of the program three years after it has been in operation.

I. 1. On a pilot basis, the Department of Corrections, in coordination with the Virginia Supreme Court, shall develop a pilot therapeutic incarceration program. Offenders eligible for such a program shall be those offenders (i) convicted of a felony for whom the sentencing guidelines developed by the Virginia Criminal Sentencing Commission would recommend a sentence of three years or more in facilities operated by the Department of Corrections and (ii) whom the court determines require treatment for drug or alcohol substance. For any such offender, the court may impose the appropriate sentence with the stipulation that the Department of Corrections place the offender in an intensive therapeutic community-style substance abuse treatment program as soon as possible after receiving the offender. Upon certification by the Department of Corrections that the offender has successfully completed such a program of a duration of 24 months or longer, the court may suspend the remainder of the sentence imposed by the court and order the offender released to supervised probation for a period specified by the court.

2. If an offender assigned to the program voluntarily withdraws from the program, is removed from the program by the Department of Corrections for intractable behavior, fails to participate in program activities, or fails to comply with the terms and conditions of the program, the Department of Corrections shall notify the court, outlining specific reasons for the removal and shall reassign the defendant to another incarceration assignment as appropriate. Under such terms, the offender shall serve out the balance of the sentence imposed by the court.

3. The Department of Corrections and the Supreme Court shall develop procedures to be used in implementing the program.

4. The Department of Corrections shall collect the data and develop the framework and processes that will enable it to conduct an in-depth evaluation of the program three years after it has been in operation. The department shall submit a report periodically on the program to the Chief Justice as he may require and shall submit a report on the implementation of the program and its usage to the Secretary of Public Safety and the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2009.