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# VIRGINIA STATE BUDGET

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2009 Session

## Budget Bill - SB850 (Introduced)

Bill Order » Office of Public Safety » Item 391

Department of Corrections

Item 391	First Year - FY2009	Second Year - FY2010
<b>Administrative and Support Services (39900)</b>	<b><del>\$78,042,506</del></b> <b>\$76,692,506</b>	<b><del>\$77,752,834</del></b> <b>\$76,402,834</b>
General Management and Direction (39901)	\$15,748,359	\$14,019,681
Information Technology Services (39902)	<del>\$26,228,732</del> \$26,178,732	<del>\$26,228,732</del> \$26,178,732
Accounting and Budgeting Services (39903)	\$3,481,305	\$3,481,305
Architectural and Engineering Services (39904)	<del>\$6,148,426</del> \$4,848,426	<del>\$7,587,432</del> \$6,287,432
Human Resources Services (39914)	\$2,614,684	\$2,614,684
Planning and Evaluation Services (39916)	\$394,442	\$394,442
Procurement and Distribution Services (39918)	\$8,044,266	\$8,044,266
Training Academy (39929)	\$6,052,992	\$6,052,992
Offender Classification and Time Computation Services (39930)	\$9,329,300	\$9,329,300
Fund Sources:		
General	\$73,442,506	\$73,152,834
Special	<del>\$4,600,000</del> \$3,250,000	<del>\$4,600,000</del> \$3,250,000

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

A. 1. Any plan to modernize and integrate the automated systems of the Department of Corrections shall be based on developing the integrated system in phases, or modules. Furthermore, any such integrated system shall be designed to provide the department the data needed to evaluate its programs, including that data needed to measure recidivism.

2. The appropriation in this Item includes \$1,000,000 the first year and \$1,000,000 the second year from the Contract Prisoners Special Revenue Fund to defray a portion of the costs of developing the offender management system. In addition to any general fund appropriations, the Department of Corrections may, subject to the authorization of the Director, Department of Planning and Budget, utilize additional revenue deposited in the Contract Prisoners Special Revenue Fund to support the development of the offender management system.

B. Included in this appropriation is ~~\$600,000~~ \$550,000 the first year and ~~\$600,000~~ \$550,00 the second year from nongeneral funds to be used for installation and operating expenses of the telemedicine program operated by the Department of Corrections. The source of the funds is revenue from inmate fees collected for medical services.

C. Included in this appropriation is ~~\$3,000,000~~ \$1,700,000 the first year and ~~\$3,000,000~~ \$1,700,000 the second year from nongeneral funds to be used by the Department of Corrections for the operations of its Corrections Construction Unit. The Comptroller shall continue the Corrections Construction Unit Special Operating Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Corrections Construction Unit and (i) institutions within the Department of Corrections for work not related to a capital project and (ii) agencies without the Department of Corrections for work performed for those agencies.

D. 1. Notwithstanding the provisions of § 53.1-20 A. and B., Code of Virginia, the director of the Department of Corrections shall receive offenders into the state correctional system from local and regional jails at such time as he determines that sufficient, secure and appropriate housing is available, placing a priority on receiving inmates diagnosed and being treated for HIV, mental illnesses requiring medication, or Hepatitis C. The director shall maximize, consistent with inmate and staff safety, the use of bed space in the state correctional system. The director shall report monthly to the Secretary of Public Safety and the Secretary of Administration on the number of inmates housed in the state correctional system, the number of inmate beds available, and the number of offenders housed in local and regional jails that meet the criteria set out in § 53.1-20 A. and B.

2. a. *The director of the Department of Corrections shall have authority to discharge, on any day within a period of 90 days prior to the date upon which an inmate's prison term would normally expire, any inmate for whom the department is responsible and who meets the following criteria:*

*i. the inmate is currently serving a sentence for the commitment of any felony except those considered an "act of violence" pursuant to § 19.2-297.1, Code of Virginia, or any attempt to commit any of those offenses;*

*ii. the inmate's net imposed sentence to be satisfied was originally for more than 15.5 months (equivalent to 465 days); and*

*iii. the inmate, upon discharge, would have been incarcerated for one year or more in jail or prison for the net imposed sentence to be satisfied.*

*b. For any inmate with a net imposed sentenced to be satisfied of 15.5 months (equivalent to 465 days) or less, the provisions of § 53.1-28, Code of Virginia, shall be applicable.*

E. The Department of Corrections is exempted from the approval requirements of Chapter 11 of the Construction and Professional Services Manual as issued by the Division of Engineering and Buildings. The Department of Corrections may authorize and initiate design-build contracts as deemed appropriate by the Director, Department of Corrections, in accordance with §§ 2.2-4301 and 2.2-4306, Code of Virginia.

F.1. The Department shall continue planning for the new correctional facility in Charlotte County. This facility shall be designed and operated with the objective of reducing the rate of recidivism. The design shall include one or more dormitory-style units to house transition centers for inmates about to be released from incarceration, return-to-custody centers for habitual technical probation violators, or similar programs. The facility shall maximize the provision of vocational education, substance abuse treatment, and intensive cognitive remediation treatment programs, using practices that have been demonstrated by widely accepted evidence to be effective in reducing recidivism. The facility plan shall also include transitional services linked with regional reentry councils, district probation offices and related public and private agencies, as well as the proposed strategy for measuring the effectiveness of this facility in reducing recidivism. The Department shall provide a report on the proposed conceptual design, the proposed levels and types of programs, and the proposed reentry and evaluation plans for this facility to the Chairmen of the Senate Finance and House Appropriations Committee by September 1, 2008.

2. If the department uses the process established under the Public-Private Education and Infrastructure Act (PPEA) to develop the plans for this facility and if any proposal it has under consideration involves private operation and financing of the facility, the department shall follow the procedures, and meet all the requirements, of Chapter 15

of Title 53.1, Code of Virginia. Before any comprehensive agreement is finalized, the Department of Planning and Budget shall conduct the cost benefit evaluation required by § 53.1-262, Code of Virginia. In addition, the Department of the Treasury shall evaluate the proposed financing to determine if it would be more advantageous to the state to finance the construction of the facility itself. Finally, any PPEA comprehensive agreement for construction of the Charlotte County facility shall be submitted to the Governor for approval after being reviewed by the Secretaries of Public Safety, Administration, and Finance.

G. The Department of Corrections shall conduct a thorough analysis of the physical plant of the Powhatan Correctional Center and project the cost of the upgrades, renovations, and repairs needed over the next ten years to maintain the facility in good working order as a secure correctional facility. It shall also project the cost of replacing the Powhatan Correctional Center with a facility of comparable security and bed capacity. With this data, and taking into account any operational efficiencies that would be effected with a new prison, the department shall prepare a report comparing the costs of renovating the existing facility with the projected costs of replacing it and shall make a recommendation concerning renovation or replacement. The department shall submit the report to the Secretaries of Public Safety and Finance by October 1, 2008.

H. The Department of Corrections shall strive to have no more than 500 general population and reception beds of its base bed space capacity vacant at any one time. The Director, Department of Planning and Budget, is authorized to increase the department's appropriation of revenue received from housing out of state inmates by \$14 per prisoner-day that the vacancy level falls below 500. Any such additional appropriation shall be used only for non-recurring expenses.

I. Notwithstanding any requirement to the contrary, any building, fixture, or structure to be placed, erected or constructed on, or removed or demolished from the property of the Commonwealth of Virginia under the control of the Department of Corrections shall not be subject to review and approval by the Art and Architectural Review Board as contemplated by § 2.2-2402, Code of Virginia. However, if the Department of Corrections seeks to construct a facility that is not a secure correctional facility or a structure located on the property of a secure correctional facility, then the Department of Corrections shall submit that structure to the Art and Architectural Review Board for review and approval by that board. Such other structures could include probation and parole district offices or regional offices.

J. The Commonwealth of Virginia shall convey 45 acres (more or less) of property, being a portion of Culpeper County Tax Map No. 75, parcel 32, lying in the Cedar Mountain Magisterial District of Culpeper County, Virginia, in consideration of the County's construction of water capacity and service line(s) adequate to serve the needs of the Department of Corrections' Coffeewood Facility and the Department of Juvenile Justice's Culpeper Juvenile Correctional Facility (hereinafter "the facilities"). The cost of the water improvements necessary to serve the Department of Corrections' facilities, including an 8-inch water service line, and including engineering and land/easement acquisition costs, shall be paid by the Commonwealth, less and except (i) the value of the property for the jail conveyed by the Commonwealth to the County (\$150,382.00, based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of the water service line from 8 inches to 12 inches, in order to accommodate planned county needs.

K. Included in the appropriation for Administrative and Support Services is \$260,310 the first year from the general fund for the estimated net increase in the operating costs of adult correctional centers resulting from the enactment of House Bill 931 and Senate Bill 562 of the 2008 Session of the General Assembly. This amount shall be paid into the Corrections Special Reserve Fund, established in accordance with § 30-19.1:4, Code of Virginia.

L. Included in the appropriation for this Item is \$29,362 the first year from the general fund for the estimated net increase in the operating costs of adult correctional centers resulting from the enactment of HB 113 and SB 368 (\$16,887), and of SB 284 (\$12,475) by the 2008 Session of the General Assembly. This amount shall be paid into the Corrections Special Reserve Fund, established in accordance with § 30-19.1:4, Code of Virginia.

