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# VIRGINIA STATE BUDGET

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2010 Session

## Budget Bill - HB29 (Chapter 872)

Bill Order » Office of Public Safety » Item 388

Department of Corrections

### Item 388 (Not set out)

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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, health, and 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 Meherrin River Regional Jail Authority, for a regional jail facility of not more than 400 beds, with new construction on not more than one site, and for which the Commonwealth's share of the total capital cost of the project shall not exceed \$50 million, and for which the revised plans and cost estimates pursuant to this paragraph shall be subject to the approval of the Board of Corrections. The authority shall consider the costs and benefits of acquiring this facility using the process established under the Public Private Education and Infrastructure Act (PPEA), and shall submit a report on its analysis of this approach, along with its planning submissions, to the Board of Corrections. It is anticipated that the reimbursement of the Commonwealth's portion will not occur before July 1, 2012.
  - 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 Rockbridge Regional Jail Authority, in order to proceed in planning for expansion of the regional jail facility.
  - d. 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.
  - e. Patrick County, in order to proceed to planning for a replacement jail pursuant to Item 280 of this act.
  - f. The County of Charlotte, in order to proceed in planning for an expansion of the existing local jail facility.

g. The City of Richmond, in order to proceed in planning for the replacement of the existing jail and the development of associated community corrections services. Included within the required submissions to the Department of Corrections from the City of Richmond shall be a report indicating the costs and benefits to the City and the Commonwealth of a regional versus a local jail, including a comparative analysis of the long term operating costs and documentation that the City has determined whether or not there is interest in the surrounding jurisdictions in developing a regional jail project.

h. The City of Virginia Beach, for a minimum-security work release center that will be planned as a multi-use facility. In addition to serving as a work release center, this facility would be available to serve as a secure and isolated regional quarantine facility for treatment of infected persons, when requested by the Governor in the event of a pandemic or similar medical emergency.

i. The City of Chesapeake, in order to proceed in planning for an expansion of its existing jail.

j. The Virginia Peninsula Regional Jail Authority, in order to proceed in planning for expansion of the regional jail.

5 The projects set forth in this item shall be subject to the provisions of §§ 53.1-80 through 53.1-82.3 of the Code of Virginia.

B.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.

C The Chairmen of the House Appropriations and Senate Finance Committees shall appoint a joint subcommittee to review the Commonwealth's policies with respect to the oversight, approval and financing of local and regional jail capital projects and operational expenses, with a view towards developing appropriate and fiscally sound recommendations for defining and meeting the Commonwealth's long-term obligations for local and regional jails and related programs. The Departments of Corrections, Criminal Justice Services, General Services, Planning and Budget, the Treasury, and the Compensation Board, shall provide such assistance as may be requested by the joint subcommittee for this review.

D. The Department of Corrections shall provide an annual report on the status of jail construction and renovation projects as approved by the Board of Corrections. The report shall be limited to those projects which increase bed capacity. The report shall include a brief summary description of each project, the total capital cost of the project and the approved state share of the capital cost, the number of beds approved, along with the net number of new beds if existing beds are to be removed, and the closure of any existing facilities, if applicable. The report shall include the six-year population forecast, as well as the double-bunking capacity compared to the rated capacity for each project listed. The report shall also include the general fund impact on community corrections programs as reported by the Department of Criminal Justice Services, and the recommended financing arrangements and

estimated general fund requirements for debt service as provided by the State Treasurer. Copies of the report shall be provided by January 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees.

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 operational 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.

F. In order to reduce the costs of constructing, expanding, and operating local and regional jails, the Board of Corrections is encouraged to review, and revise, as appropriate, its Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities so as to accomplish the following goals:

- i. conforming the security standards to those used by the Department of Corrections for state correctional facilities to the extent appropriate;
- ii. encouraging and enabling local and regional jail authorities to construct minimum security facilities suitable for housing convicted misdemeanants and other nonviolent inmates, either as part of a larger secure facility, or as a stand-alone facility; and
- iii. requiring new jail construction or expansion projects to include adequate space to operate treatment programs, including, but not limited to, substance abuse treatment programs.