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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 390

Department of Corrections

Item 390	First Year - FY2009	Second Year - FY2010
<b>Operation of Secure Correctional Facilities (39800)</b>	<b>\$891,300,510</b>	<b><del>\$897,241,073</del> \$904,533,883</b>
Supervision and Management of Inmates (39802)	\$466,227,298	<del>\$468,002,334</del> \$469,295,144
Rehabilitation and Treatment Services - Prisons (39803)	\$33,284,222	\$33,872,151
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)	\$139,427,175	\$141,004,773
Agribusiness (39811)	\$7,952,368	\$7,952,368
Correctional Enterprises (39812)	\$51,355,345	<del>\$51,355,345</del> \$57,355,345
Physical Plant Services - Prisons (39815)	\$73,922,687	\$75,922,687
Fund Sources:		
General	\$839,438,027	\$843,698,590
Special	\$50,099,012	<del>\$51,779,012</del> \$59,071,822
Federal Trust	\$1,763,471	\$1,763,471

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

A. Included in this appropriation is \$825,000 in the first year and \$1,005,000 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 \$780,000 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 \$10,319,012 the first year and \$10,319,012 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.

4. The Department of Corrections shall determine whether it may be possible to contract to house additional federal inmates or inmates from other states in space available within state correctional facilities. The department may, subject to the approval of the Governor, enter into such contracts, to the extent that sufficient bedspace may become available in state facilities for this purpose.

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. The Department of Corrections, the Department of Correctional Education, and Liberty University shall develop a Memorandum of Agreement for the provision of either a secured on-line or self-contained computer-based program by Liberty University for the provision of post-secondary instruction to offenders to improve their ability to reenter society successfully upon their release from prison. Following the approval of and based upon this Memorandum of Agreement, this program of instruction shall be established on a pilot basis at Green Rock Correctional Center using computer equipment and program content provided by Liberty University, beginning no later than November 1, 2008, and operating for no fewer than three semesters, unless security requirements dictate otherwise. The Departments of Corrections and Correctional Education shall provide a report on the implementation of this program by June 30, 2009, to the Chairmen of the House Appropriations and Senate Finance Committees. The report shall include, but not be limited to, the types of offenders participating in this program, the educational progress that has been made by the participants, post-secondary credits which the participants may have earned, disciplinary actions taken against program participants, and whether such a program can or should be replicated for use in other correctional facilities.

H. Out of this appropriation, \$2,263,417 the first year and \$1,763,471 the second year from nongeneral funds is included for inmate medical costs. The sources of the nongeneral funds are an award of \$1,763,471 each year from the State Criminal Alien Assistance Program, administered by the U.S. Department of Justice and, in the first year only, \$500,000 from revenue from inmate fees collected for medical services.

I. The Department of Corrections shall analyze the claims records presented by the department's third-party claims administrator to determine the cause of any increase in the number of claims incurred by the department between FY 2007 and FY 2009. Furthermore, the department shall actively explore what steps it needs to take to reduce its

reliance on contract physicians in those circumstances in which it would be cost beneficial to do so. The department shall report its findings to the Secretary of Public Safety and the Secretary of Finance by November 1, 2009.

J. 1. The Department of Corrections, in coordination with the Virginia Supreme Court, shall develop a behavioral correction program. Offenders eligible for such a program shall be those offenders: (i) who have never been convicted of a violent felony as defined in § 17.1-805 of the Code of Virginia and who have never been convicted of a felony violation of §§ 18.2-248 and 18.2-248.1 of the Code of Virginia; (ii) 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 (iii) whom the court determines require treatment for drug or alcohol substance abuse. 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, as provided by law.

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 June 1, 2010.

K. 1. The Department of Corrections is authorized to convey to the County of Pittsylvania, upon terms and conditions the Department deems proper, with the approval of the Governor and in a form approved by the Attorney General, a portion of the Camp 15 Work Camp facility near Chatham, consisting of 16 acres, more or less, to include the Diversion Center and outbuildings and the structure referred to as the Warden's Residence, pursuant to Senate Bill 1312 of the 2009 General Assembly.

2. The County of Pittsylvania, in order to proceed with the acceptance of and renovation of the Camp 15 Work Camp facility for use as an expansion of the current Pittsylvania County Jail, shall be exempted from the requirement to submit a Community Based Corrections Plan to the Board of Corrections. The required planning study shall be limited to the design of the renovation, in order to assure compliance with the construction standards established by the Board of Corrections. All construction shall be in accordance with applicable state standards. No state funds shall be provided for the renovation of this facility by Pittsylvania County.

L. It is the intention of the General Assembly that § 53.1-47 of the Code of Virginia, concerning articles and services produced or manufactured by persons confined in state correctional facilities, shall be construed such that the term "manufactured" articles shall include "remanufactured" articles.

*M. The Department of Corrections and the Virginia Economic Development Partnership, in cooperation with local economic development officials from the area, shall jointly prepare a report examining the potential options for re-*

*use or redevelopment of the Brunswick Correctional Center. This report shall take into consideration the unemployment rate in Brunswick County and the surrounding jurisdictions compared to the statewide rate, and the impact of the closure of this facility on the local governments in the region, with particular reference to the impact on water and sewer rates for the Town of Lawrenceville. Copies of this report, including any recommendations as may be appropriate, shall be presented to the Governor, the Secretaries of Public Safety and Commerce and Trade, and the Chairmen of the House Appropriations and Senate Finance Committees by June 1, 2010.*