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# VIRGINIA STATE BUDGET

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2012 Special Session I

## Budget Bill - HB1300 (Chapter 2)

Bill Order » Office of Public Safety » Item 377

Department of Corrections

### Item 377 (Not set out)

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A. The following process shall be applicable in order for any county, city, or regional jail authority (hereinafter referred to as “the locality”) to receive state reimbursement for a portion of the costs of the construction, expansion, or renovation of a jail as provided in §§ 53.1-80 and 53.1-81, Code of Virginia:

1. The locality shall file with the Department of Corrections, by January 1 of the year in which it wishes its request to be considered, the following information in a format specified by the department:

- a. the information and documents required by § 53.1-82.1, Code of Virginia;
- b. Specifications for the proposed construction or renovation; and
- c. Detailed cost estimates.

2. The Department of Corrections shall review the request and make its comments and recommendations to the Board of Corrections.

3. The Departments of Corrections and Criminal Justice Services shall review the community-based corrections plan and jail population forecast submitted by the locality and make their comments and recommendation concerning them to the Board of Corrections.

4. The Board of Corrections shall review and take action on the request, after reviewing the comments and recommendations of the Departments of Corrections and Criminal Justice Services. It may modify any aspect of the request before approving it. The board shall not approve any request unless the following conditions have been met:

- a. the project is consistent with the projected number of local and state responsible offenders to be housed in such facility;
- b. the project meets the design criteria set out in the Board of Corrections' Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities;
- c. the project is proposed to be built using standards for a minimum security facility, 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 project can be completed and operated in a cost-efficient manner; and
- e. any other criteria established by the board.

5. If the Board of Corrections approves a request, the Department of Corrections shall notify the Department of

Planning and Budget by September 1 of the board's action and submit a summary of the project and a detailed list of the board-approved costs to the department.

6. If the Board of Corrections approves a request, the Department of Criminal Justice Services shall submit to the Department of Planning and Budget by September 1 a summary of the alternatives to incarceration included in the community-based corrections plan approved for the project, along with a projection of the state funds needed to implement these programs.

7. The Department of Planning and Budget shall submit to the Governor, for consideration for inclusion in the budget bill to be submitted by the Governor to the General Assembly, its recommendations concerning the approval of the request for reimbursement of jail construction or renovation costs and whether state funding is appropriate to support the alternatives to incarceration included in the community-based corrections plan.

B. The Department of Corrections shall provide an annual report on the status of jail construction and renovation projects as approved for funding by the General Assembly. 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 October 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees and to the Director, Department of Planning and Budget.

C.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.

D. Any proposed jail construction, expansion, or renovation project that was approved by the Board of Corrections as of December 31, 2009, but was not included in the budget bill submitted by the Governor and is not included in this act, may be resubmitted for consideration for inclusion in the 2011 budget bill without having to be approved again by the Board of Corrections. At the request of the locality, the Department of Corrections and the Department of Criminal Justice Services shall submit the information set out in Paragraphs A.5. and A.6. of this Item to the Department of Planning and Budget by September 1, 2010.

E. The Board of Corrections shall include within its reporting formats on the capacity of each local and regional jail, a measure of the actual jail capacity, which shall include double-bunking, with exceptions as appropriate, in the judgment of the Board, for isolation, segregation, or medical cells, or similar units which would not normally be double-bunked. Exceptions to this measure of capacity may also be made for jails which were constructed prior to 1980. A report including the double-bunking capacity, as well as the standard Board of Corrections measure of rated capacity, for each jail shall be presented to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by October 1 of each year.

F. The Secretaries of Finance, Public Safety, and Administration shall establish a task force to examine the ramifications of changing the definition of which offenders the Department of Corrections shall be responsible for transferring from local and regional jails to state correctional facilities. In addition to representatives of the affected state agencies, the task force shall include representatives of local and regional jails, local governments,

and the Senate Finance and House Appropriations Committees. The task force shall report its findings and recommendations to the Secretaries and the Chairmen of the Senate Finance and House Appropriations Committees by October 1, 2010.

G.1. The Department of Corrections shall reassess the appropriate staffing ratios for the Piedmont Regional Jail and Western Tidewater Regional Jail. The Department of Corrections shall complete this assessment by October 1, 2011.

2. Notwithstanding the provisions of paragraph H. of Item 67.90, the Compensation Board may approve funds for the operational costs, including salaries, for local and regional jail capacity previously constructed with federal funds, where the contract for housing federal inmates under which such capacity was built has expired, and provided such local or regional jail is not exempted from the cost recovery provisions in paragraph H. of Item 67.30 for housing federal and out-of-state inmates. Funds for operational costs, including salaries, shall only be approved under this provision subject to appropriations by the General Assembly in Item 67.20 for this purpose.