

---

# VIRGINIA STATE BUDGET

---

2012 Special Session I

## Budget Bill - HB1300 (Chapter 2)

Bill Order » Office of Public Safety » Item 380

Department of Corrections

Item 380	First Year - FY2011	Second Year - FY2012
<b>Administrative and Support Services (39900)</b>	<b>\$82,445,092</b>	<b><del>\$81,288,388</del> \$81,871,033</b>
General Management and Direction (39901)	\$17,630,457	\$17,825,688
Information Technology Services (39902)	\$23,418,181	<del>\$22,930,888</del> \$23,513,533
Accounting and Budgeting Services (39903)	\$2,831,709	\$2,831,709
Architectural and Engineering Services (39904)	\$7,083,687	\$7,372,301
Human Resources Services (39914)	\$3,196,482	\$3,196,482
Planning and Evaluation Services (39916)	\$550,598	\$619,172
Procurement and Distribution Services (39918)	\$12,589,693	\$11,367,863
Training Academy (39929)	\$6,553,531	\$6,553,531
Offender Classification and Time Computation Services (39930)	\$8,590,754	\$8,590,754
Fund Sources:		
General	\$77,995,092	<del>\$76,338,388</del> \$76,921,033
Special	\$4,450,000	\$4,950,000

---

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 \$984,250 the first year and \$1,585,400 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 \$550,000 the first year and \$550,000 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 \$2,800,000 the first year and \$2,800,000 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, 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 Department of Planning and Budget 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. 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 \$12 per prisoner-day that the vacancy level falls below 500. Any such additional appropriation shall be used only for non-recurring expenses.

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. 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.

G. 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 facilities, including an eight-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 eight inches to twelve inches, in order to accommodate planned county needs.

H. Effective July 1, 2011, notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Corrections shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

I. The Department of Corrections shall, either through the elimination of vacant positions or through other efficiencies, reduce general fund expenditures by \$1,519,095 the first year and \$1,519,095 the second year.

J. By August 1, 2010, the Director of the Department of Corrections shall identify those prisoners eligible for parole who may be suitable parole risks and whose interests and those of society will be served by the grant of discretionary parole, shall recommend such prisoners to the Parole Board, and shall notify each such prisoner who is the subject of such a recommendation. In making such recommendations, the Director shall take into account the prisoner's criminal history record, mental and physical condition, employability, institutional adjustment, and such other factors as may be appropriate, including the risk of violence to others. No prisoner shall be recommended for release prior to the time specified in § 53.1-154.1 of the Code of Virginia.

K. From the appropriation for this item, the Director, Department of Planning and Budget, is authorized to transfer up to \$150,000 each year from the general fund, to the Secretary of Public Safety, to support a position dedicated to the improvement and coordination of the Commonwealth's efforts related to the re-entry of offenders into society after being incarcerated in prison. Improving re-entry efforts is expected to decrease the recidivism of those offenders and enhance public safety.

L. Included in the appropriation for this item is \$50,000 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 1 by the 2010 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.

M. The Department of Corrections shall serve as the Federal Bonding Coordinator and shall work with the Virginia Community College System and its workforce development programs and services to provide fidelity bonds to those offenders released from jails or state correctional centers who are required to provide fidelity bonds as a condition of employment. The department is authorized to use funds from the Contract Prisoners Special Revenue Fund to pay the costs of this activity.

N. Included in the appropriation for this item is \$338,614 the second year from the general fund for the estimated net increase in the operating costs of adult correctional centers resulting from the enactment of House Bills 1516, 1777, 1898, 2063, and 2066, and Senate Bills 772, 745, 1185, and 1222 by the 2011 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.

*O. In the event the Department of Corrections closes a correctional facility for which it has entered into an agreement with any locality to pay a proportionate share of the debt service for the establishment of utilities to serve the facility, the department shall continue to pay its agreed upon share of the debt service, subject to the schedule previously agreed upon.*