2012 Special Session I

Budget Bill - HB1300 (Introduced)

Bill Order » Office of Public Safety » Item 379

Department of Corrections

Item 379	First Year - FY2011	Second Year - FY2012
Operation of Secure Correctional Facilities (39800)	**$829,591,107**	~~**$827,666,927**~~ ***$835,513,109***
Supervision and Management of Inmates (39802)	$422,629,027	~~$422,265,376~~ *$422,760,881*
Rehabilitation and Treatment Services - Prisons (39803)	$30,185,973	$34,674,634
Prison Management (39805)	$59,703,431	$59,763,466
Food Services - Prisons (39807)	$40,533,739	$40,504,837
Medical and Clinical Services - Prisons (39810)	$144,757,312	~~$148,085,060~~ *$155,435,737*
Agribusiness (39811)	$8,864,484	$8,864,484
Correctional Enterprises (39812)	$48,000,000	$48,500,000
Physical Plant Services - Prisons (39815)	$74,917,141	$65,009,070
Fund Sources:		
General	$757,000,636	~~$753,436,409~~ *$761,282,591*
Special	$70,827,000	$71,477,000
Dedicated Special Revenue	$0	$990,047
Federal Trust	$1,763,471	$1,763,471

Authority: §§ 53.1-1, 53.1-5, 53.1-8, and 53.1-10, Code of Virginia.

A. Included in this appropriation is $1,005,000 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. $780,000 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 $20,367,000 the first year and $20,367,000 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 418 67.30 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. 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.

G. 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 Behavioral Health and Developmental Services.

H. Out of this appropriation, $1,763,471 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 from the State Criminal Alien Assistance Program, administered by the U.S. Department of Justice.

I1. The Department of Corrections, in coordination with the Virginia Supreme Court, shall continue to operate 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 30 of each year.

J. The next priority for the Department of Corrections for the construction of a new medium security correctional facility shall be given to a location within Charlotte County.

K. The Department of Corrections shall prepare a long range plan to consolidate the secure correctional facilities at the James River-Powhatan complex on the south side of the James River in Powhatan County. The plan shall include maintaining the Academy for Staff Development in its present location and maintaining current farming operations along the flood plain on the north side of the James River. The plan shall include an assessment of the value of property at the James River Correctional Center which may be declared surplus, and estimated capital costs to replace the James River Correctional Center and adjacent work centers with new facilities to be constructed on the south side of the James River on state-owned property. Copies of this plan shall be presented to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by November 1, 2010.

L. The Department of Corrections shall prepare an assessment of which correctional facilities that it may be appropriate to close in the future. The assessment shall take into account the inmate population forecast, the condition of the physical plants at various correctional facilities and the projected cost to maintain those facilities, the projected need by the department for beds by security level, the relative operating costs of various facilities, the net savings that would be realized from any closing, and the contribution of each facility under consideration to the various functions of the agency. The assessment shall include the advantages and disadvantages of closing any specific facility. The department shall report the results of its assessment to the Secretaries of Finance and Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by November 1, 2010.

M. The Department of Corrections, with the support of the Department of Planning and Budget, shall conduct a thorough examination of inmate medical expenses, with the goal of substantially reducing the increase in costs. Among the areas to be examined are the appropriate level of the use of part-time contracted physicians, the rate schedules of hospitals and other private medical providers utilized by the department, and enhanced treatment of offenders with chronic medical conditions with department personnel. The department shall examine those correctional facilities for which it has contracted with a private company to provide medical services to determine if the department could provide comparable medical services to inmates in those facilities at a lower cost, as well as the benefit of issuing a new request for proposals to take effect in FY 2012 when the current contracts are subject to renewal. In addition to these areas and steps, the department shall examine any other areas or issues it feels may result in cost decreases. The department shall submit a report, outlining its findings, the steps it has taken, and any recommendations for policy changes it feels are needed to reduce increases in inmate medical costs, to the Secretary of Public Safety and the Chairmen of the House Appropriations and Senate Finance Committees by September 30, 2011.

N. The Department of Planning and Budget, with the assistance of the Department of Corrections, shall conduct a review of equipment purchases to determine whether there may be additional opportunities to reduce costs.

O. Included in the appropriation for this Item is $1,804,000 the second year from the general fund for the estimated cost of workforce development specialist positions transferred from the Department of Correctional Education. The Director, Department of Planning and Budget, is authorized to transfer general fund appropriation between the Department of Corrections and the Department of Correctional Education to account for the actual cost of those positions.

P. Included in the appropriation for this item is $150,000 the second year from nongeneral funds for a culinary arts program in which inmates are trained to operate food service activities serving agency staff and the general public. The source of the funds shall be revenues generated by the program. Any revenues so generated by the program shall not be subject to § 4-2.02 of this act and shall be used by the agency for the costs of operating the program.

Q. The Governor is authorized to open any one or more housing units at the new medium security adult correctional center in Grayson County, provided that the cost of opening such housing units is provided either through reductions in the number of state-responsible offenders housed in local and regional jails or by housing out-of-state inmates. The Director, Department of Planning and Budget, is authorized to approve a revenue anticipation loan from the Department of the Treasury to support the necessary start-up operations in an amount sufficient to meet contractual obligations to house out-of-state inmates in this facility prior to June 30, 2012, subject to the approval of the Governor. Thirty days prior to opening any housing units at the new facility in Grayson County, the Secretary of Public Safety shall present a plan describing the number of offenders to be housed in the facility, the projected operating costs, and the source of any revenues supporting the operation of the facility to the Chairmen of the House Appropriations and Senate Finance Committees.

R. Federal funds received by the Department of Corrections from the federal Residential Substance Abuse Treatment Program shall be exempt from payment of statewide and agency indirect cost recoveries into the general fund.