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# VIRGINIA STATE BUDGET

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2014 Special Session I

## Budget Bill - HB5001 (Chapter 1)

Bill Order » Office of Public Safety » Item 389

Department of Corrections

Item 389	First Year - FY2013	Second Year - FY2014
<b>Administrative and Support Services (39900)</b>	<b>\$91,828,354</b>	<b><del>\$94,283,106</del> \$94,625,253</b>
General Management and Direction (39901)	\$18,025,688	\$17,035,656
Information Technology Services (39902)	\$26,620,593	\$31,114,937
Accounting and Budgeting Services (39903)	\$2,831,709	<del>\$3,007,343</del> \$3,349,490
Architectural and Engineering Services (39904)	\$12,949,576	\$9,061,066
Human Resources Services (39914)	\$3,331,952	\$5,154,003
Planning and Evaluation Services (39916)	\$619,172	\$619,172
Procurement and Distribution Services (39918)	\$12,456,118	\$13,056,468
Training Academy (39929)	\$6,553,531	\$6,755,283
Offender Classification and Time Computation Services (39930)	\$8,440,015	\$8,479,178
Fund Sources:		
General	\$86,840,854	<del>\$89,295,606</del> \$89,637,753
Special	\$4,987,500	\$4,987,500

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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 \$1,562,500 the first year and \$1,562,500 the second year from the Contract Prisoners Special Revenue Fund to defray a portion of the costs of maintaining and enhancing 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 State 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. 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.

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. 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. From the appropriation for this item, the Director, Department of Planning and Budget, is authorized to transfer up to \$150,000 the first year and \$150,000 the second 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.

J. 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.

K. 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.

L. Included in the appropriation for this Item is \$37,500 the first year and \$37,500 the second year from nongeneral funds to be used to purchase video visitation equipment for correctional facilities. The source of the funds is the Contract Prisoners Special Revenue Fund.

M. Included in the appropriation for this item is \$5,915,889 the first year from the general fund for the estimated net increase in the operating cost of adult correctional centers resulting from the enactment of bills as listed below for the purposes shown. This amount shall be paid into the Corrections Special Reserve Fund, established in accordance with § 30-19.1:4, Code of Virginia.

- a. House Bill 968/Senate Bill 159, concerning penalties for drug trafficking -- \$5,512,531.
- b. House Bill 508/Senate Bill 273, concerning synthetic cannabinoids -- \$50,000.
- c. House Bill 973/Senate Bill 436, concerning certain sex offenses against children -- \$50,000.
- d. House Bill 752/Senate Bill 459, concerning strangulation -- \$50,000.
- e. House Bill 876/Senate Bill 503, concerning motor vehicle fuels tax -- \$50,000.
- f. House Bill 546, concerning gangs; predicate crimes -- \$3,358.
- g. House Bill 718, concerning transfer of juveniles to adult court -- \$50,000.
- h. House Bill 963, concerning solicitation of child pornography -- \$50,000.
- i. House Bill 964, concerning displaying grooming videos to minors -- \$50,000.
- j. House Bill 1140, concerning moving carisoprodol to Schedule IV -- \$50,000.

N. Out of this appropriation, \$142,644 the second year from the general fund is included for the purchase of a generator for Deep Meadow Correctional Center through the state's master equipment lease purchase program.

O. Included in the appropriation for this item is \$200,000 the first year and \$100,000 the second year from the general fund to provide transitional assistance to the Town of Boydton following the closure of Mecklenburg Correctional Center. The actual amount distributed each year by the Department of Corrections to the town shall be the lesser of (i) the amount provided in this item for this purpose, or (ii) the amount of revenue received by the town from treatment of wastewater from Mecklenburg Correctional Center in FY 2011 minus the amount of additional revenue for wastewater treatment services received in FY 2013 and FY 2014, respectively, from industrial and commercial customers, including, but not limited to, the new Microsoft data center, compared to revenue received from industrial and commercial customers in FY 2011.

P. Included in the appropriation for this item is \$1,786,279 the second year from the general fund for the estimated net increase in the operating cost of adult correctional centers resulting from the enactment of bills as listed below

for the purposes shown. This amount shall be paid into the Corrections Special Reserve Fund, established in accordance with § 30-19.1:4, Code of Virginia.

1. House Bill 1559 and Senate Bill 1272: To increase the penalties for any subsequent drunken driving conviction following any previous felony related to drunken driving -- \$50,000.
2. House Bill 1606 and Senate Bill 1015: To increase the penalties for the solicitation of a minor for prostitution -- \$50,000.
3. House Bill 1682 and Senate Bill 706: To increase the penalties for the financial exploitation of mentally incapacitated persons -- \$50,000.
4. House Bill 1684 and Senate Bill 1010: To increase the penalties for identity theft -- \$30,152.
5. House Bill 1745 and Senate Bill 1031: To prohibit an adult, through the use of electronic means, to propose to a child that he or she fondle his or her own sexual organs -- \$50,000.
6. House Bill 1746 and Senate Bill 1214: To expand the list of violent crimes for which offenders receive sentence enhancements -- \$50,000.
7. House Bill 1783 and Senate Bill 1017: To increase the penalties for possession with intent to distribute contraband cigarettes -- \$50,000.
8. House Bill 1816: To prohibit the presence of any child or incapacitated person where methamphetamine is being manufactured or is attempted to be manufactured -- \$50,000.
9. House Bill 1820 and Senate Bill 1018: To increase the penalties for the possession, transport, or sale of unstamped cigarettes -- \$50,000.
10. House Bill 1847 and Senate Bill 1205: To expand the list of "predicate offenses" that is used to define criminal gang activity -- \$574,916.
11. House Bill 1850: To prohibit the assault and battery of any person employed by a local or regional jail and involved in the care, treatment, or supervision of inmates -- \$50,000.
12. House Bill 1862 and Senate Bill 1032: To require offenders, convicted of sex offenses under statutes with different Code section numbers prior to their recodification to register as sex offenders -- \$50,000.
13. House Bill 1927: To prohibit the assault and battery of any emergency medical services personnel -- \$50,000.
14. House Bill 1941 and Senate Bill 1083: To penalize and prohibit the production of synthetic cannabinoids and certain research chemicals -- \$50,000.
15. House Bill 1955: To increase the penalties associated with second and subsequent convictions of impersonating a law-enforcement officer -- \$4,048.
16. House Bill 2065 and Senate Bill 1033: To increase the penalties for offenses committed by juveniles and other offenders in juvenile correctional centers and in facilities housing sexually violent predators -- \$299,513.
17. House Bill 2211: To increase the penalties associated with a second conviction for stalking within five years -- \$23,197.

18. House Bill 2269 and Senate Bill 832: To require that mandatory minimum sentences be served consecutively -- \$50,000.

19. Senate Bill 811: To prohibit the filing of fraudulent liens or encumbrances against public employees -- \$50,000.

20. Senate Bill 853: To prohibit the assault and battery of magistrates -- \$7,680.

21. Senate Bill 1019: To increase the penalties for the distribution or possession with intent to distribute counterfeit cigarettes -- \$50,000.

22. Senate Bill 1020: To add possession with intent to distribute tax-paid contraband cigarettes as a qualifying offense under the Virginia Racketeer Influenced and Corrupt Organization Act -- \$50,000.

23. Senate Bill 1378: To increase the penalties for the sale, transfer, gift, or exchange of a firearm to any person he knows is prohibited from possessing or transporting a firearm under Virginia law -- \$46,773.

Q. Included in the appropriation for this Item is \$440,000 the second year from the general fund for the development of an interface between the department's automated systems and the customer portal of the Department of Social Services to support inmate reentry.