2014 Special Session I

Budget Bill - HB5001 (Introduced)

Bill Order » Office of Public Safety » Item 388

Department of Corrections

Item 388	First Year - FY2013	Second Year - FY2014
Operation of Secure Correctional Facilities (39800)	**$835,543,549**	~~**$836,971,103**~~ ***$837,694,922***
Supervision and Management of Inmates (39802)	$409,153,810	~~$418,346,455~~ *$419,070,274*
Rehabilitation and Treatment Services - Prisons (39803)	$35,082,574	$35,775,984
Prison Management (39805)	$59,763,466	$61,398,778
Food Services - Prisons (39807)	$40,604,837	$40,878,097
Medical and Clinical Services - Prisons (39810)	$162,384,473	$151,551,306
Agribusiness (39811)	$8,864,484	$8,864,484
Correctional Enterprises (39812)	$54,680,835	$54,680,835
Physical Plant Services - Prisons (39815)	$65,009,070	$65,475,164
Fund Sources:		
General	$769,942,730	~~$776,887,448~~ *$777,611,267*
Special	$63,306,724	$57,789,560
Dedicated Special Revenue	$990,047	$990,047
Federal Trust	$1,304,048	$1,304,048

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 “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. 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 69 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, 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. Out of this appropriation, $1,304,048 the first year and $1,304,048 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.

H.1. 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 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.

I. Included in the appropriation for this Item is $250,000 the first year and $250,000 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. The State Comptroller shall establish the Inmate Culinary Arts Training Program Fund in the Commonwealth Accounting and Reporting System to reflect the revenue and expenditures of this program.

J. The Department of Corrections shall coordinate with the Department of Medical Assistance Services and the Department of Social Services to establish procedures to enroll eligible inmates in Medicaid ,with coverage to start July 1, 2013. To the extent possible, the Department of Corrections shall work to identify potentially eligible inmates on a proactive basis, prior to the time inpatient hospitalization occurs. Procedures shall also include provisions for medical providers to bill the Department of Medical Assistance Services, rather than the Department of Corrections, for inmate inpatient medical expenses. Given the multiple payor sources associated with inpatient and outpatient health care services, beginning July 1, 2013, the Department of Corrections and the Department of Medical Assistance Services shall consult with the applicable provider community to ensure that administrative burdens are minimized and payment for health care services is rendered in a prompt manner. The Departments of Medical Assistance Services and Corrections shall provide a joint report on the implementation of this initiative and the expected cost savings to the Commonwealth. Copies of this report shall be provided to the Secretaries of Health and Human Services and Public Safety, and to the Chairmen of the House Appropriations and Senate Finance Committees, by October 1, 2013.

K. 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.

L. The amounts paid into the Corrections Special Reserve Fund established in accordance with § 30-19.1:4, Code of Virginia, shall be used in the first year to offset a portion of the budgeted amounts for the department's operation of secure correctional facilities.

M. Included in the appropriation for this item is $398,725 the second year from nongeneral funds for the purchase of surveillance cameras for installation in correctional facilities to enable the department to comply with the requirements of the federal Prison Rape Elimination Act. The source of the nongeneral funds is revenue from inmate medical copay fees.

N. Included in the appropriation for this item is $800,000 the first year and $17,200,000 the second year from the general fund to enable the agency to open the River North Correctional Center in Grayson County by October 15, 2013. In determining those state-responsible offenders to transfer to the River North Correctional Center, the department shall prioritize the transfer of any state-responsible offenders housed in any local or regional jail for which a waiver from the Board of Corrections' "Standards for Planning, Design, Construction, and Reimbursement of Local Correctional Facilities" has been provided.

O. Included in the appropriation for this item is $546,426 the second year from the general fund for six medical contract monitors. The persons filling these positions shall have the responsibility of closely monitoring the adequacy and quality of inmate medical services in those correctional facilities for which the department has contracted with a private vendor to provide inmate medical services.

P. Included in the appropriation for this item is $663,757 the second year from the general fund to establish a

separate program for inmates under 18 years old who have been tried and convicted as adults and committed to the Department of Corrections. This separation of these offenders from the general prison population is required by the new requirements of the federal Prison Rape Elimination Act.

Q. The amounts paid into the Corrections Special Reserve Fund established in accordance with § 30-19.1:4, Code of Virginia, shall be used in the second year to offset a portion of the budgeted amounts for the early opening of the River North Correctional Center in October 2013.

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