2018 Special Session I

Budget Bill - HB5002 (Chapter 2)

Department of Corrections

Item 391	First Year - FY2019	Second Year - FY2020
Administrative and Support Services (39900)	**$104,025,032**	**$103,632,136**
General Management and Direction (39901)	$17,005,366	$17,005,366
Information Technology Services (39902)	$37,096,261	$36,753,365
Accounting and Budgeting Services (39903)	$5,098,156	$5,098,156
Architectural and Engineering Services (39904)	$6,482,895	$6,432,895
Jail Regulation, Inspections, and Investigations (39905)	$465,274	$465,274
Human Resources Services (39914)	$5,944,758	$5,944,758
Planning and Evaluation Services (39916)	$799,987	$799,987
Procurement and Distribution Services (39918)	$13,120,696	$13,120,696
Training Academy (39929)	$7,910,592	$7,910,592
Offender Classification and Time Computation Services (39930)	$10,101,047	$10,101,047
Fund Sources:		
General	$98,884,006	$98,799,903
Special	$4,987,220	$4,678,427
Dedicated Special Revenue	$153,806	$153,806

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 $2,868,500 the first year and $2,135,500 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, including the development of an electronic health records 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 $1,100,000 the first year and $1,100,000 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 Homeland Security 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. 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.

F. 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, 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.

G. 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.

H. 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.

I. 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.

J. Included in the appropriation for this Item is $1,000,000 the first year and $1,000,000 the second year from the general fund for the costs of security technology and hardware for the inmate telephone system.

K. From the appropriation in this Item, $500,000 the first year and $500,000 the second year from the general fund shall be used to present seminars on overcoming obstacles to re-entry and to promote family integration in the correctional centers designated for intensive re-entry programs. The department shall submit a report by October 15 of each year to the chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget on the use of this funding.

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 cost of adult correctional facilities resulting from the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.

1. Chapter 549 -- $50,000.

M. Included in the appropriation for this Item is $175,000 in the first year and $200,000 in the second year from the general fund and two positions to assist the Board of Corrections in carrying out its duties under the authority of § 53.1-69.1, Code of Virginia, to review deaths of inmates in local correctional facilities.

N.1. Consistent with the provisions of Chapter 198 of the 2017 Session of the General Assembly, the Director, Department of Corrections, shall implement the recommendations relating to the Department of Corrections made by the Department of Medical Assistance Services in its November 30, 2017 report on streamlining the Medicaid application and enrollment process for incarcerated individuals.

2. For the purpose of implementing these recommendations, included in the appropriation for this item are $71,503 the first year and $37,400 the second year from the general fund, and $420,993 the first year and $112,200 the second year from nongeneral funds and two positions.

O. The Department of Corrections shall evaluate potential options to reduce the number of state-responsible inmates with serious mental illness who serve the entirety of their state-responsible sentences in, and are released directly from, local and regional jails. In its evaluation, and using the definition of serious mental illness in accordance with the American Correctional Association, the Department shall give consideration to (i) the number of state-responsible inmates identified by jail staff with serious mental illness held in regional jails, the jails in which they are held, their diagnostic category as delineated in the DSM-V, the length of their state-responsible sentence and the type of their offense, and whether they were assigned to a DBHDS facility from the jail for evaluation; (ii) which among these offenders should be prioritized for transfer to a state correctional facility; (iii) the current inmate population with serious mental illness held in state correctional facilities, their diagnosis and the acuity of their symptoms, and the length of their sentence and the type of their offenses; (iv) the facilities and services currently provided for the treatment of inmates with serious mental illness held in state correctional facilities; and, (v) what additional capital and operating resources would be needed by the Department to facilitate a reduction in the number of state-responsible inmates with serious mental illness serving the entirety of their sentence in local and regional jails. The Department shall provide the results of its evaluation to the Chairmen of the House Appropriations and Senate Finance Committees no later than October 15, 2018.

P. The Department of Corrections shall assess its long-term facility needs with respect to providing appropriate levels of medical and mental health care to its offender population. At a minimum, the assessment shall include (i)

a summary of the Department's existing clinical, geriatric, assisted living, and mental health capacity, and an assessment of the sufficiency of this existing capacity to meet the current and future needs of the Department's offender population; (ii) a prioritized list of capital projects which may be needed to address the Department's current or future needs for capacity in relation to (i) which shall include a discussion of the methodology used by the Department to prioritize projects and the estimated cost of each project; and, (iii) a short-term plan to house offenders in a manner which reduces the risks related to transmittable diseases. The Department shall provide the results of its assessment to the Director, Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2018.

Q. By September 1 of each year, the Department of Corrections shall remit data to the Director of the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees regarding medical treatment provided to offenders at each facility. The data shall include, as a proportion of average daily population at each facility, the levels of inmates who received care, including: the specific proportions of inmates from each facility who were treated as inpatients, the specific proportion of inmates from each facility who were treated as outpatients, data on prescription drug administration, and the proportion of inmates from each facility who received other discrete services. When negotiating contracts with healthcare vendors, the Department of Corrections shall include the reporting of data required under this paragraph as a requirement within the contract.