2022 Special Session I

Budget Bill - HB30 (Chapter 2)

Item 402	First Year - FY2023	Second Year - FY2024
Operation of Secure Correctional Facilities (39800)	**$867,543,295**	**$872,424,207**
Supervision and Management of Inmates (39802)	$553,750,458	$558,127,009
Rehabilitation and Treatment Services - Prisons (39803)	$51,791,209	$52,295,570
Prison Management (39805)	$74,012,872	$74,012,872
Food Services - Prisons (39807)	$41,065,447	$41,065,447
Agribusiness (39811)	$12,783,017	$12,783,017
Correctional Enterprises (39812)	$51,856,358	$51,856,358
Physical Plant Services - Prisons (39815)	$82,283,934	$82,283,934
Fund Sources:		
General	$812,361,937	$817,242,849
Special	$55,181,358	$55,181,358

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

A. Included in this appropriation is $1,620,000 the first year and $1,620,000 the second year from nongeneral funds for the purposes listed below. The source of the funds is commissions generated by prison commissary operations:

1. $220,000 the first year and $220,000 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. $1,325,000 the first year and $1,325,000 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 “FETCH" 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 to maintain the Contract Prisoners Special Revenue Fund on the books of the Commonwealth 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 affect transfers of convicted state felons between and among such jails. Such agreements shall be governed by the provisions of Item 73 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.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 four 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 Homeland Security and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by June 30 of each year.

H. 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 continue to maintain the Inmate Culinary Arts Training Program Fund on the books of the Commonwealth to reflect the revenue and expenditures of this program.

I. 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.

J. The Department of Corrections shall continue to operate 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 requirements of the federal Prison Rape Elimination Act.

K. Included within the appropriation for this item is $214,103 the first year and $242,923 the second year and two positions from the general fund for the Sex Offender Residential Treatment Program.

L. Out of this appropriation, $471,420 the first year and $471,420 the second year from the general fund and five positions to implement the recommendations of the Secretary of Public Safety and Homeland Security's workgroup on Access to Sex Offender Treatment.

M. Included in this appropriation is $250,000 the first year and $250,000 the second year from the general fund for the expansion and subsidization of the family video visitation services in its secure correctional facilities.

N. Included in the appropriation for this Item is $2,021,037 the first year and $2,425,245 the second year and 33 positions from the general fund to reduce the ratio of mental health clinicians to inmates in correctional facilities. The Department of Corrections shall report on mental health screenings and assessments, monitoring, and mental health treatment plans and services provided, including but not limited to reentry services and recidivism rates for those individuals who required mental health services in correctional facilities. The report shall be submitted to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget by November 1, 2023.

O.1. Included in the appropriation for this Item is $26,072,637 the first year and $30,520,519 the second year from the general fund to increase minimum salaries and to address salary compression issues for correctional officers, sergeants, captains, lieutenants, and majors effective July 10, 2022.

2. The Department shall report on the allocation of these funds and their effectiveness in addressing the workforce challenges identified by the workgroup under Chapter 1, Virginia Acts of Assembly, 2021 Special Session II. The report shall detail the number of vacancies, identify and report on specific measures of effectiveness that indicate the degree to which these salary adjustments reduce the number of vacancies, and discuss other ongoing efforts implemented by the department to recruit and retain qualified and diverse correctional officer personnel. A report shall be submitted to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Director of the Department of Human Resources Management, and the Director, Department of Planning and Budget, no later than October 15, 2023.