



Report of the Subcommittee on
Public Safety

(Senate Bill 700, As Introduced)

Senate Finance Committee
Virginia General Assembly

February 2, 2003

REPORT OF THE SUBCOMMITTEE ON PUBLIC SAFETY
On Senate Bill 700, as Introduced
(February 2, 2003)

Mr. Chairman and Members of the Committee:

Your subcommittee has reviewed the provisions of Senate Bill 700, the budget bill as introduced, with respect to the Office of Public Safety. The greatest challenge we face in this field is to assure that the necessary budget reductions are applied in such a manner as to preserve the core functions which the Commonwealth absolutely must provide. For example, we must ensure that offenders sentenced to prison by our courts are securely confined, and that the safety of our communities is not jeopardized.

There are many budget reductions in public safety that we do not like, but the overall fiscal situation facing the Commonwealth requires that we accept. However, there are certain agencies in which we believe additional resources are required to maintain their core functions. For example, the Departments of Corrections and Correctional Education have seen unprecedented budget cuts over the past two years. We believe certain adjustments are required to provide sufficient bed capacity for the future, as well as security and treatment, probation supervision, and basic educational services in the current budget.

We are recommending bond authority in the amount of \$26 million through the Virginia Public Building Authority to complete the St. Brides Correctional Center replacement facility in the City of Chesapeake. These additional 800 beds (at \$32,500 per bed construction cost) represent the least expensive and fastest option, because they can be built by the contractor now on site building Phase 1 of this project. Projections for the state-responsible offender population indicate these beds will be needed by the expected project completion date in early 2006 -- if not before.

We recommend that 100 additional correctional officers be provided, representing just over half of the manpower requirements we have calculated based on the department's security staffing formula. This action will also restore the proposed reduction in security in our prison enterprise shops.

We recommend restoration of 30 psychologist positions in our prisons, to maintain essential support and guidance for our prison treatment programs.

We recommend restoring 18 positions in the Department of Correctional Education for special education and the literacy incentive program at Red Onion, Wallens Ridge and Sussex I State Prisons. Without these positions, there would be absolutely no educational services at these three facilities.

We recommend sufficient funds to fill 30 probation officer positions that should not be kept unfilled deliberately to force a budget cut.

We recommend the State Board of Corrections be authorized to move forward in reviewing proposals to expand the Prince William-Manassas Regional Jail and the Clarke-Fauquier-Frederick-Winchester Regional Jail.

We also recommend approval of several steps included in the budget, as introduced, to encourage greater use of alternative methods of incarceration for lower-risk, non-violent offenders. These sentencing options are both less expensive and equally (if not more) effective in reducing recidivism.

In recent weeks we have heard disturbing news reports from around the country that several states facing severe budget shortfalls have either already or are considering releasing prisoners early, and otherwise responding to severe budget shortfalls with draconian cuts in prison budgets.

Virginia is fortunate that our Department of Corrections has absorbed the budget reductions to date with only one major and several minor facility closures, and only 69 layoffs. Remarkably, Staunton Correctional Center was closed in December with only 10 layoffs. However, make no mistake, the reductions we are approving will result in reductions in important services, and heavier workloads for the remaining employees.

The steps already taken have been painful and serious, especially in the Department of Juvenile Justice and in local juvenile programs. However, we will not accept any budgetary solution that weakens our commitment to truth-in-sentencing or endangers public safety.

The Subcommittee commends the professional manner in which the agencies in the Office of Public Safety have targeted the required budget cuts in order to minimize the impact on core services. And, we recognize the pressures that have been placed on state employees in the field as so many positions have been held vacant in our state facilities over the past year and a half. We salute those employees.

The amendments we offer are intended to provide the critical balance between meeting our obligation to contribute to the overall budget reduction solution, while ensuring that our agencies have the core staff to meet their basic responsibilities to the Commonwealth.

Mr. Chairman, this concludes the report of the subcommittee.

Respectfully Submitted,

The Honorable Kenneth W. Stolle, Chairman

The Honorable Walter A. Stosch

The Honorable Charles R. Hawkins

The Honorable Janet D. Howell

The Honorable Richard L. Saslaw

The Honorable Thomas K. Norment, Jr.

The Honorable H. Russell Potts, Jr.

Report of the Senate Finance Subcommittee on Public Safety

GENERAL FUND

AMENDMENT	FY 2003	FY 2004	Total
Public Safety			
Sec'y PS: Study of Public-Private Partnerships	0	Language	Language
Sec'y PS: Study of Alternatives for Culpeper JCC	0	Language	Language
Sec'y PS: Interagency Plan for Temporary Detention Orders	0	Language	Language
Sec'y PS: Eliminate Plan for Private Sale of Alcoholic Beverages	0	Language	Language
Sec'y PS: Plan to Consolidate ABC Enforcement in State Police	0	Language	Language
ABC: Restriction on Enforcement Expenditures	0	Language	Language
ABC: Enforcement Reduction of \$400,000 NGF	0	Language	Language
DCE: Restore Red Onion/Wallens Ridge/Sussex I (18 FTE)	0	832,042	832,042
DOC: Security Staffing (100 FTE)	0	3,600,000	3,600,000
DOC: Restore Mental Health Staffing (30 FTE Psychologists)	0	1,550,000	1,550,000
DOC: Violent Sexual Predator Program-SB 1149 (10 FTE)	200,000	400,000	600,000
DOC: Restore 30 Probation Officers	0	1,000,000	1,000,000
DOC: Prince William-Manassas Regional Jail	0	Language	Language
DOC: Clarke-Fauquier-Frederick-Winchester Regional Jail	0	Language	Language
DOC: Clarify Sale of Staff Residences (GOV)	0	Language	Language
DCJS: Technical Adjustment HB 599 Program (GOV)	345,422	0	345,422
DCJS: Alzheimer's Program Grant (Restore Language)	0	Language	Language
DCJS: Special Conservators of the Peace-SB 1240 (3 FTE)	0	NGF	NGF
DFP: Clarify Transfer of Fire Programs Funds to GF (GOV)	0	Language	Language
DJJ: Clarify Drug Screening & Assessment by Local CSU's	0	Language	Language
DSP: Restore Med-Flight Helicopter Funding (NGF to EMS Fund)	0	1,045,375	1,045,375
DSP: Child Pornography Registry-SB 1153 (0.5 FTE)	0	30,000	30,000
DSP: Study to Update State Trooper Staffing Formula	0	Language	Language
DSP: Carry-Forward STARS Balance on June 30, 2003	0	Language	Language
DSP: Clarify Transfer of NGF (GOV)	0	Language	Language
Total for Public Safety - Operating Expenses	545,422	8,457,417	9,002,839

Report of the Senate Finance Subcommittee on Public Safety

Revenue Page

ABC: Reduce Enforcement Division (Part 3 Transfer)	0	400,000	400,000
Courts: Increase IDEA Fee (by an additional \$1, from \$3 to \$4)	0	1,700,000	1,700,000

Legislative Department

Crime Commission: Designation as Criminal Justice Agency	Language	Language	Language
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Office of Administration

Treasury Bd: Debt Service - Completion of St. Brides (Phase II)	0	76,500	76,500
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Part 2 (Capital Outlay)

DOC: St. Brides Phase II (\$26,000,000 VPBA bonds)	0	NGF	NGF
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Public Safety

Secretary Of Public Safety

Language

Language:

Page 390, line 47, insert:

"D.1. The Secretaries of Public Safety, Health and Human Resources, and Administration shall convene a statewide group to develop a plan that would identify which party or parties is or are responsible for the safety and security of individuals who are the subject of or who participate in detention and involuntary admission activities carried out pursuant to §§ 37.1- 67.01 et seq. of the Code of Virginia. The plan shall address all phases of the detention and involuntary admission process including transportation; custody for persons under judicial orders; medical evaluation, screening and treatment; and, detention services. The plan shall recognize the varying conditions and needs of individuals subject to temporary detention orders and protect their security; protect the security of patients, staff and employees of facilities providing emergency medical evaluation, treatment or detention services; and, be consistent with the requirements of the Emergency Medical Treatment and Active Labor Act, 42 USC 1395dd, and implementing regulations.

2. The statewide group shall include representatives of the state agencies that are involved in the detention and involuntary civil commitment process; community services boards; general district courts, including magistrates and special justices; law enforcement agencies, including police and sheriff departments; facilities and practitioners providing emergency medical evaluations, treatment or temporary detention; state mental health facilities; local governments; and, other entities as necessary. This statewide group shall report its plan to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees by November 1, 2003, including any legislative actions needed to implement the plan. The statewide plan and procedures shall be used to clarify local procedures."

Explanation:

(This amendment requires the development of a plan to determine how custody for patients involuntarily committed is handled to ensure safety and security during all phases of the detention and involuntary civil commitment process.)

Public Safety

Secretary Of Public Safety

Language

Language:

Page 390, strike lines 28-46.

Explanation:

(This amendment eliminates language which would have required the development of a plan to permit the sale of alcoholic beverages by the private sector.)

Public Safety Subcommittee

Item 401 #3s

Public Safety

Secretary Of Public Safety

Language

Language:

Page 390, strike lines 19-27 and insert:

"B. The Secretary of Public Safety, in consultation with the Secretary of Administration and with local governments in the region, shall report on options for future utilization of the Culpeper Juvenile Correctional Center. Copies of the report shall be provided to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees by September 15, 2003."

Explanation:

(This amendment is self-explanatory.)

Public Safety Subcommittee

Item 401 #4s

Public Safety

Secretary Of Public Safety

Language

Language:

Page 390, line 47, insert:

"D. The Secretary of Public Safety shall develop a plan, including any necessary proposed legislation, to provide for the consolidation of alcoholic beverage control law enforcement operations and personnel within the Department of State Police,

effective July 1, 2004. A status report shall be submitted to the Governor and the Chairmen of the Senate Finance and House Appropriations Committee not later than November 15, 2003."

Explanation:

(This amendment is self-explanatory.)

Public Safety Subcommittee

Item 401 #5s

Public Safety

Secretary Of Public Safety

Language

Language:

Page 390, line 47, insert:

"D. The Secretary of Public Safety, with the assistance of the Departments of General Services and the Treasury, shall examine the feasibility of public-private partnerships, pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et. seq. of the Code of Virginia) to finance required facilities and related capital expenses for the Departments of Corrections, Juvenile Justice and State Police. The Secretary shall include within this examination, an analysis of the costs and benefits of public-private partnerships compared to traditional bond financing and cash appropriations on a net present value basis. The Secretary shall provide a report on his findings to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees by October 15, 2003."

Explanation:

(This amendment directs the Secretary of Public Safety to study the feasibility of public-private partnerships to finance essential public safety facilities.)

Public Safety Subcommittee

Item 403 #1s

Public Safety

Department Of Alcoholic Beverage
Control

Language

Language:

Page 392, following line 7, insert:

"D. No funds appropriated for the enforcement programs of the Department of

Alcoholic Beverage Control shall be used by the Department in furtherance of any local law enforcement program involving the unauthorized seizure of any person while such person is engaged in lawful activities on premises licensed for consumption of alcoholic beverages."

Explanation:

(This amendment is self-explanatory.)

Public Safety Subcommittee

Item 403 #2s

Public Safety	FY 02-03	FY 03-04	
Department Of Alcoholic Beverage Control	\$0	(\$400,000)	NGF

Language:

Page 391, line30, strike "\$13,179,425" and insert "\$12,779,425".

Page 392, following line 7, insert:

"D. The Department of Alcoholic Beverage Control shall reduce enforcement expenditures by \$400,000 the second year."

Explanation:

(This amendment directs the agency to reduce enforcement expenditures by \$400,000 NGF the second year. A companion amendment in Part 3 transfers this amount to the general fund.)

Public Safety Subcommittee

Item 407 #1s

Public Safety	FY 02-03	FY 03-04	
Department Of Correctional Education	\$0 0.00	\$832,042 18.00	GF FTE

Language:

Page 393, line 11, strike "\$42,585,914" and insert "\$43,417,956".

Explanation:

(This amendment restores \$832,042 fand 18.0 FTE positions the second year from the general fund for educational programs at Red Onion, Wallens Ridge, and Sussex I

State Prisons.)

Item 408 #1g

Public Safety

Department Of Corrections, Central
Activities

Language

Language:

Page 395, strike lines 26 through 31 and insert:

"F. All residential staff housing properties owned by the Commonwealth and in the possession of the Department of Corrections are authorized to be sold as surplus property pursuant to § 2.2-1156, Code of Virginia. Notwithstanding the provisions of § 2.2-1156 D, Code of Virginia, all net proceeds from the sale of such property after provision is made for any bonds outstanding on such property, as appropriate, estimated at \$1,910,000, shall be deposited into the general fund. Prior to the sale of these properties the Department of General Services shall obtain an appraisal of the fair market value of such properties. Current employees of the department who are currently residing in such residential staff housing shall be granted the first right of refusal to purchase these residences at fair market value."

Explanation:

(This amendment clarifies the language directing the sale of residences used by the Department of Corrections to house staff. In addition, the amount projected to be deposited into the general fund is reduced to account for any bonds outstanding on those properties purchased with revenues from VPBA bonds.)

Public Safety Subcommittee

Item 415 #1s

Public Safety

Division Of Community
Corrections

FY 02-03

\$0

FY 03-04

\$1,000,000 GF

Language:

Page 397, line 19, strike "\$53,836,256" and insert "\$54,836,256".

Explanation:

(This amendment restores \$1,000,000 the second year from the general fund to enable the Department of Corrections to fill 30 probation officer positions that are being held vacant as part of the agency's budget reduction plan.)

Public Safety Subcommittee

Item 417 #1s

Public Safety

Division Of Community
Corrections

Language

Language:

Page 399, line 14, after "Justice" insert:

", or to address those projects for which contracts for design, including architectural and engineering services, of a local or regional jail facility had been signed as of March 1, 1996".

Explanation:

(This amendment provides an exception to the moratorium on approval by the Board of Corrections of jail capital outlay projects for the Prince William County-City of Manassas Regional Jail expansion project.)

Public Safety Subcommittee

Item 417 #2s

Public Safety

Division Of Community
Corrections

Language

Language:

Page 399, following line 28, insert:

"5. The Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center is hereby exempted from the provisions of Paragraph C.1 in order to proceed in planning for an expansion project involving up to 120 beds."

Explanation:

(This amendment provides an exception to the moratorium on approval by the Board of Corrections of jail capital outlay projects for the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center.)

Public Safety Subcommittee

Item 421 #1s

Public Safety	FY 02-03	FY 03-04	
Division Of Institutions	\$0	\$3,600,000	GF
	0.00	100.00	FTE

Language:

Page 401, line 8, strike "\$362,318,285" and insert "\$365,918,285".

Explanation:

(This amendment provides \$3,600,000 and 100 FTE positions the second year from the general fund to address current security staffing requirements for adult institutions operated by the Department of Corrections. The agency's security staffing formula indicates a requirement for 175 correctional officers, which are currently not funded. Included within this amendment are funds sufficient to restore the reduction in security staffing in correctional enterprise shops.)

Public Safety Subcommittee

Item 421 #2s

Public Safety	FY 02-03	FY 03-04	
Division Of Institutions	\$0	\$1,550,000	GF
	0.00	30.00	FTE

Language:

Page 401, line 8, strike "\$362,318,285" and insert "\$363,868,285".

Explanation:

(This amendment provides \$1,550,000 and 30.0 FTE positions the second year from the general fund to restore 30 psychologist positions in adult correctional centers.)

Public Safety Subcommittee

Item 421 #3s

Public Safety	FY 02-03	FY 03-04	
Division Of Institutions	\$200,000	\$400,000	GF
	0.00	10.00	FTE

Language:

Page 401, line8, strike "\$371,672,593" and insert "\$371,872,593".

Page 401, line8, strike "\$362,318,285" and insert "\$362,718,285".

Page 403, line 44, insert:

"H. Included in this appropriation is \$200,000 the first year and \$400,000 and 10.0 FTE correctional officers the second year to provide perimeter security for the sexually violent predator treatment program, to be operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services, pursuant to Item 331.C. of this act. This program shall be located in the former Intensive Treatment Center at the Southampton Correctional Center complex, or in such facility as shall be determined by the Director of the Department of Corrections and the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services."

Explanation:

(This amendment provides \$200,000 the first year and \$400,000 and 10.0 FTE positions the second year from the general fund to provide the secure perimeter for the facility required to house sexually violent predators committed pursuant to Senate Bill 1149. This appropriation is contingent upon final passage of SB 1149.)

Public Safety Subcommittee

Item 428 #1s

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 408, line 12, after "\$75,000 the first year" insert "and \$50,000 the second year".

Explanation:

(This amendment restores language which is necessary to provide a grant to the Alzheimer's Association National Capital Area Chapter, for which funds were already included in the 2002 appropriation act.)

Public Safety Subcommittee

Item 433 #1s

Public Safety

FY 02-03

FY 03-04

Department Of Criminal Justice	\$0	\$100,000	NGF
Services	0.00	3.00	FTE

Language:

Page 413, line 5, strike "\$1,274,710" and insert "\$1,374,710".

Explanation:

(This amendment provides \$100,000 and three FTE positions the second year from nongeneral funds for the regulation of Special Conservators of the Peace. This amendment is contingent upon final passage of Senate Bill 1240 of the 2003 session.)

Item 434 #1g

Public Safety	FY 02-03	FY 03-04	
Department Of Criminal Justice	\$345,422	\$0	GF
Services			

Language:

Page 413, line 14, strike "\$168,774,876" and insert "\$169,120,298".

Page 413, line 22, strike "\$168,774,876" and insert "\$169,120,298".

Explanation:

(This amendment adjusts the first year appropriation for the Aid to Localities with Police Departments (House Bill 599) program according to the revised general fund revenue forecast.)

Item 438 #1g

Public Safety

Department Of Fire Programs

Language

Language:

Page 415, strike lines 23 through 28, and insert:

"Virginia, the department shall transfer \$1,649,930 in the first year and \$1,581,473 in the second year from revenues above the amounts appropriated in this item to the general fund. Further, the department shall defer payments to localities for the construction of fire training structures to the extent necessary to realize savings in the

amounts of \$285,707 in the first year and \$291,808 in the second year, which shall also be transferred to the general fund."

Explanation:

(This amendment clarifies that the amounts to be transferred to the general fund come from revenue growth above what was appropriated during the 2002 session, and that funds available for burn building grants have not been reduced.)

Public Safety Subcommittee

Item 444 #1s

Public Safety

Department Of Juvenile Justice

Language

Language:

Page 419, line 32, after "Department of Juvenile Justice" insert:
", including locally-operated court services units,"

Explanation:

(This amendment clarifies that locally-operated court services units shall not be required to provide drug screening and assessment services. Language in the introduced budget already exempts state-operated court services units from this requirement as part of a budget reduction strategy.)

Item 456 #1g

Public Safety

Department Of State Police

Language

Language:

Page 424, line 45, strike "\$881,570" and insert:
"\$544,770 and from Item 460 \$336,800".

Page 424, line 45, strike "\$1,206,500" and insert "from Item 459 \$544,700 and from Item 460 \$661,800".

Explanation:

(This amendment clarifies that the transfer of nongeneral funds is to come from two appropriation items, rather than one.)

Public Safety Subcommittee

Item 457 #2s

Public Safety	FY 02-03	FY 03-04	
Department Of State Police	\$0	\$30,000	GF
	0.00	0.50	FTE

Language:

Page 424, line50, strike "\$26,759,524" and insert "\$26,789,524".

Explanation:

(This amendment provides \$30,000 and 0.5 FTE position the second year from the general fund for a Child Pornography Registry. This amendment is contingent upon final passage of Senate Bill 1153 of the 2003 session.)

Public Safety Subcommittee

Item 457 #4s

Public Safety

Department Of State Police

Language

Language:

Page 425, line 19, after "STARS." insert:

"The unexpended balance of this appropriation as of June 30, 2003, shall be carried forward as of July 1, 2003 for expenditure in the second year for the purposes as set forth in this paragraph."

Explanation:

(This amendment requires that any unexpended balance as of June 30, 2003, in the appropriation for development of the State Agency Radio System shall be carried forward for expenditure in the second year.)

Public Safety Subcommittee

Item 459 #2s

Public Safety	FY 02-03	FY 03-04	
Department Of State Police	\$0	\$1,045,375	GF
	\$0	(\$1,045,375)	NGF

Language:

Page 427, strike lines 31 through 34 and insert:

"F. The Department of State Police shall determine the feasibility of recovering costs for its med-flight operations through Medicare, Medicaid and private insurers. The Department shall examine the feasibility of second-party billing through hospitals receiving patients or through the creation of an independent billing authority."

Explanation:

(This amendment restores \$1,045,375 the second year from the general fund for Med-Flight operations, thereby eliminating the transfer of nongeneral funds from the Rescue Squad Assistance Fund for this program.)

Public Safety Subcommittee

Item 459 #4s

Public Safety

Department Of State Police

Language

Language:

Page 427, line 35, insert:

"G. The Department shall prepare a report on options for updating the State Trooper staffing formula. Copies of the report shall be provided to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees by September 15, 2003.

Explanation:

(This amendment is self-explanatory.)

Public Safety Subcommittee

Item C-123.11 #1s

Office of Public Safety

FY 02-03

FY 03-04

Department of Corrections

\$0

\$26,000,000 NGF

Language:

"C-123.11.

\$0 \$26,000,000

Fund Sources: Bond Proceeds

\$0". \$26,000,000".

Page 540, line 10, insert:

C-123.11. New Construction: St. Brides Phase II (15755) \$0 \$26,000,000

Fund Sources: Bond Proceeds.....\$0 \$26,000,000"

Explanation:

(This amendment provides \$26,000,000 from the proceeds of Virginia Public Building Authority Section 9(D) revenue bonds for construction of Phase II of the replacement facility for St. Brides Correctional Center in the City of Chesapeake. A companion amendment to Item C-154.10 provides authority for the VPBA bonds.)

Public Safety Subcommittee

Item C-154.10 #1s

Central Appropriations

FY 02-03

FY 03-04

Nongeneral Obligation Bonds 9(D)

\$0

\$26,000,000 NGF

Language:

Page 555, line 29, strike "\$0" and insert "\$26,000,000".

Page 555, line 44, strike "92,192,144" and insert "118,192,144".

Page 557, line 16, insert:

"St. Brides Replacment (Phase II) C-123.11 15755 \$26,000,000".

Page 557, line 40, strike "92,192,144" and insert "118,192,144".

Explanation:

(This amendment authorizes Virginia Public Building Authority Section 9(D) revenue bonds in the amount of \$26,000,000 for construction of Phase II of the replacement facility for St. Brides Correctional Center in the City of Chesapeake. A companion amendment to authorize this project is included at Item C-123.11.)

Public Safety Subcommittee

Item 3-1.01 #16s

Transfers

Interfund Transfers

Language

Language:

Page 567, line 7, after "Department of Alcoholic Beverage Control." insert:

" In addition, on or before June 30, 2004, the State Comptroller shall transfer \$400,000 the second year to the general fund from the Alcoholic Beverage Control Fund, representing an additional reduction the second year, to be obtained through reductions in enforcement expenditures by the Department of Alcoholic Beverage Control."

Explanation:

(This amendment transfers \$400,000 the second year from the Alcoholic Beverage Control Fund to the general fund, to reflect the estimated savings achieved from a reduction in enforcement expenditures.)