

*Report of the  
House Appropriations  
Subcommittee*

*on*

*Public Safety*



*House Bill 1400*

*February 2, 2003*

**Respectfully Submitted by the House Appropriations Subcommittee  
on Public Safety:**

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**Beverly J. Sherwood, Chairman**

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**Lacey E. Putney**

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**Phillip A. Hamilton**

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**R. Steven Landes**

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**S. Chris Jones**

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**A. Victor Thomas**

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**Lionell Spruill, Sr.**

**REPORT OF THE SUBCOMMITTEE**  
**on**  
**PUBLIC SAFETY**

Mr. Chairman and Members of the Committee:

You may recall that when I delivered the Public Safety Subcommittee report to you last year, I spoke of how spending on public safety had grown nearly 70 percent since the mid-1980s and that during that same period, crime in Virginia had decreased by 45 percent. Since that time, while there have been increases in some types of crimes, possibly related to the sputtering economy, Virginia, when compared to similarly populated states, **remains one of the safest places in the country to live.** House Bill 1400, as introduced, recommended a net reduction of 2.9 percent in public safety spending, and we are recommending **relatively few additional changes to you.**

However, one particularly important area we focused on is the **protection of our communities from sexually violent predators.** Legislation creating a process to civilly commit these dangerous individuals to a treatment facility upon release from prison was first passed by the General Assembly in 1999. Due to pending court challenges to similar statutes in other states, and our own budget situation, **we have continuously delayed implementation of this program.**

The U.S. Supreme Court has now ruled in two different cases as to the constitutionality of these civil commitment programs. This past Friday, the House of Delegates **unanimously** passed House Bill 2445, which strengthens the original legislation and will become effective upon passage. We are recommending language to use an existing Department of Corrections facility that is currently vacant, and we are providing over \$1.4 million in general funds for treatment and security operations to get this program up and running as soon as possible, **and before any more of these dangerous predators are released to our communities.**

House Bill 1400, as introduced, proposed cutting over \$2.0 million in general fund support for State Police med-flight operations. Instead, the Governor proposes funding these operations out of the Rescue Squad Assistance Fund. Mr. Chairman, we **find this proposal unacceptable** and therefore recommend restoring the general funds to the State Police. By eliminating the transfer from the Rescue Squad Assistance Fund, over \$2.0 million will now be available to help local rescue squads purchase much needed equipment, **as the General Assembly intended** when we passed the \$4-for-life legislation last year.

Mr. Chairman, **we applaud your fiscally responsible efforts** to provide for a revenue reserve fund. We hope our revenues are sufficient to allow for the proposed 2.5 percent pay raise. Since nearly 20 percent of the state workforce is under the Secretary of Public Safety, we are recommending general fund savings of about \$13.5 million to assist in the reserve fund, knowing that much of this would be used for **well deserved pay raises** for our dedicated public safety workers, including **state troopers, deputy sheriffs and correctional officers**. We are recommending a variety of strategies, including level funding the HB 599 program in the second year, eliminating exemptions for federal jail cost recoveries, purchasing prescription drugs for inmates at the lowest available prices, requiring diversion center inmates to pay more towards their room and board, and maximizing available federal foster care funds for juvenile corrections.

Mr. Chairman and fellow Committee members, I will ask staff to take you through our detailed recommendations, and then I hope it will be your pleasure to adopt our subcommittee report.

<b>House Bill 1400</b>
<u><b>Amendment</b></u>

<b>2002-04 BIENNIAL TOTAL</b>		
<u><b>General</b></u>	<u><b>Nongeneral</b></u>	<u><b>FTE</b></u>
<u><b>Fund</b></u>	<u><b>Fund</b></u>	

**Compensation Board**

E-911 Funds for Sheriff's Dispatch	(1,500,000)	1,500,000	
On-time Submission of Court Orders	(460,000)		
Per Diem Reimbursements	Language		
Federal Cost Recovery Exemption	(3,039,020)		
Community Corrections Pilot Program	(1,000,000)		

**Secretary Of Public Safety**

Eliminate ABC Study	Language		
Merge ABC Law Enf. with State Police	Language		

**Commonwealth's Attorneys' Services Council**

Nongeneral Funds for CSAC	(418,469)	500,000	
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**Department Of Alcoholic Beverage Control**

Reduction to ABC Law Enforcement		(1,649,677)	
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**Department Of Corrections, Central Activities**

Prince William-Manassas Jail Construction	Language		
Increase Diversion Center Charge	(1,000,000)	1,000,000	
DOC 340B Drug Prices	(1,600,000)		
Civil Commitment of Sexual Predators	829,115		10.00
Correctional Impact HB 1576	8,402		

**Department Of Criminal Justice Services**

Alzheimer's Program Technical Correction	Language		
Implement HB 2541	Language		
Community Corrections Pilot Program	Language		
Level Fund HB 599	(5,500,000)		

**Department Of Fire Programs**

Nongeneral Fund Transfer	Language		
Fire Program Funds Increase	0	271,200	

**Department Of Juvenile Justice**

Maximize Title IV E Funds	(2,000,000)	2,000,000	
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**Department Of State Police**

Authorization	Language		
Replace Rescue Squad Asst. Fund	2,090,750	(2,090,750)	
DUI Related Enforcement	Language	105,464	

**Total Public Safety**

(13,589,222)	1,636,237	10.00
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**Transfers**

Transfer ABC Law Enforcement Savings	1,649,677		
Increase ABC Mark-up	10,153,845		

**Total Revenue**

11,803,522
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**Office of Administration**

Compensation Board

Language

**Language:**

Page 56, line 31, strike "the Compensation Board" and insert:

"any amount remaining as of June 1, 2003, and June 1, 2004, may be reallocated among localities on a pro rata basis according to such deficiency."

Page 56, strike lines 32 through 46.

**Explanation:**

(This amendment restores deleted language associated with local and regional jail per diem reimbursements and deletes language that gave priority to state responsible inmates.)

**Office of Administration**

Compensation Board

**FY 02-03**

**FY 03-04**

\$0

(\$1,000,000) GF

**Language:**

Page 56, line 17, strike "\$56,018,693" and insert "\$55,018,693".

Page 60, after line 43, insert:

"L. The State Compensation Board is authorized to transfer to the Department of Criminal Justice Services an amount not to exceed \$1,500,000 from this Item for reimbursement to localities for inmates who participate in the Community Corrections pilot program established pursuant to Item 432 C.4 of this act. Localities shall be reimbursed at a rate of \$4 per inmate day. Information concerning all inmates participating in this program shall be maintained in the Local Inmate Data System for the duration of their participation in the program."

**Explanation:**

(This amendment provides reimbursement to localities which participate in a pilot Community Corrections program. A companion amendment to Item 432 establishes the program.)

**Public Safety**

Secretary Of Public Safety

Language

**Language:**

Page 390, strike lines 28 through 46.

**Explanation:**

(This amendment eliminates a study of privatization of ABC retail operations that was in House Bill 1400, as introduced.)

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Public Safety Subcommittee

Item 401 #3h

**Public Safety**

Secretary Of Public Safety

Language

**Language:**

Page 390, after line 46, insert:

"D. The Secretary of Public Safety shall review the feasibility of merging the Bureau of Law Enforcement Operations of the Department Alcoholic Beverage Control into the Department of State Police. The review shall consider the savings to the Commonwealth by consolidating regional offices, chains of command, human resources and training operations with existing State Police operations. The Secretary shall submit his findings to the Chairmen of the House Committees on Appropriations and Militia, Police and Public Safety and the Senate Committees on Finance and Courts of Justice by October 1, 2003."

**Explanation:**

(This amendment is self-explanatory.)

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Public Safety Subcommittee

Item 417 #1h

**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 exempts the Prince William-Manassas Regional Jail from the moratorium on additional jail construction because the facility was approved prior to imposition of the moratorium.)

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Public Safety Subcommittee

Item 432 #4h

**Public Safety**

Department Of Criminal Justice  
Services

Language

**Language:**

Page 412, after line 43, insert:

"4. Included in the amounts in subparagraph 2 of this item is \$44,000 for the Supreme Court of Virginia and \$37,500 for the State Police in the second year from federal grant funds to implement the provisions of House Bill 2541 regarding the unification of Virginia Crime Codes."

**Explanation:**

(This amendment provides funds from the Integrated Criminal Justice Information System to be used to unify Virginia Crime Codes, a fundamental step in implementing the ICJIS project.)

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Public Safety Subcommittee

Item 432 #6h

**Public Safety**

Department Of Criminal Justice  
Services

Language

**Language:**

Page 410, after line 49, insert:

"4. The Secretary of Public Safety, with the assistance of the Department of Criminal Justice Services and the State Compensation Board, shall develop a pilot program for alternative sentencing of nonviolent misdemeanants and local-responsible felons pursuant to § 53.1-131 and § 9.1-173, et. seq., Code of Virginia, for offenders who are serving six months or less in jail. The program shall be piloted in localities only upon approval by the local Community Criminal Justice



Board established pursuant to § 9.1-178, Code of Virginia. The fiscal agent for participating local community corrections programs shall be reimbursed at a rate of \$4 per inmate day for each inmate participating in the alternative sentencing program, pursuant to Item 67 L of this act. The Secretary of Public Safety shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2003, as to the progress of implementation of the pilot program."

**Explanation:**

(This amendment provides for a pilot alternative sentencing program. A companion amendment to Item 67 provides funding for the program.)

Public Safety Subcommittee

Item 459 #8h

**Public Safety**

Department Of State Police

**FY 02-03**

(\$641,668)

**FY 03-04**

\$747,132 NGF

**Language:**

Page 426, line 8, strike "\$155,048,555" and insert "\$154,406,887".

Page 426, line 8, strike "\$150,957,187" and insert "\$151,704,319".

Page 427, strike lines 14 through 30, and insert:

"E. Included in this appropriation is \$5,475,872 the first year and \$5,475,872 the second year from Section 154 and Section 164 Federal Highway Funds. The Secretary of Transportation, with the assistance of the Secretary of Public Safety, the Commissioner of the Department of Motor Vehicles, and the Superintendent of the Department of State Police, shall develop a plan for DUI-related enforcement and education programs to be supported with these funds and shall complete an Application for Highway Safety Project Grant to be submitted to the U.S. Department of Transportation, National Highway Traffic Safety Administration. The Secretary of Transportation shall provide a copy of this plan, the grant application and the response from the U.S. Department of Transportation to the Chairmen of the House Appropriations and Senate Finance Committees as soon as they are available.

**Explanation:**

(This amendment provides \$5,475,872 in federal highway funds each year to be used for DUI-related enforcement.)