

*Report of the
House Appropriations
Subcommittee*

on

Public Safety



House Bill 1500

February 3, 2013

REPORT OF THE SUBCOMMITTEE on PUBLIC SAFETY

Mr. Chairman and Members of the Committee:

This Committee and your Public Safety Subcommittee has always maintained a focus on the need to make the Commonwealth's communities and, by extension, its citizens, safer. And, this year has been no exception. Following our review of the additional funding included for the Public Safety agencies in the Introduced Budget, there were several issues that the Subcommittee recommended addressing.

First, Mr. Chairman, I am pleased to recommend the addition of nearly \$3.7 million in fiscal year 2014 to open the River North Correctional Center in Grayson County in October, 2013, rather than January, 2014. Not only will this new facility reduce overcrowding in our state correctional centers, but it will also reduce the number of state-responsible offenders housed in our local and regional jails. But, just as importantly, this correctional center will employ 325 correctional officers, counselors, and other positions and therefore positively affect the unemployment rates of the surrounding area.

Mr. Chairman, as I discussed earlier this week, in light of recent events, the prevention of school violence has become a much more fundamental concern for all of us. To better protect our school children, I am pleased to recommend the addition of \$1.3 million in fiscal year 2014 for the provision of competitive grants to localities so they may employ school resource officers or school security officers in their public schools. This appropriation, when combined with existing funds, will provide a total of \$1.7 million for the provision of these grants in fiscal year 2014, representing the largest appropriation for the program since fiscal year 2002. And, given our recognition of the role of school security officers, localities will now be able to choose the right levels of security for their public schools.

The Subcommittee is also recommending about \$3.3 million in fiscal year 2014 for 19 bills either increasing criminal penalties for existing offenses or creating new penalties. Among these bills is \$1.4 million to increase the penalties for the use of a firearm in the commission of a felony, nearly \$750,000 to ensure that offenders serve mandatory minimum sentences consecutively, about \$305,000 to expand the felonies listed as “predicate crimes” for criminal street gangs, and \$257,000 to prevent the assault and battery of the staff working at the Sexually Violent Predator facility.

Mr. Chairman, the Subcommittee’s members are also very mindful that as a component of our review of the funding included for the Public Safety agencies, we have an obligation to determine whether any savings may be realized that could support the Committee’s other priorities. I am pleased to recommend savings of more than \$16 million for use in addressing the Committee’s other priorities. These savings include \$10.6 million from the negotiation of a new correctional health service contract and the use of the FACT Fund to provide the \$6.2 million general fund share of the funding provided to Virginia Beach for BRAC-Oceana.

Finally, I would like to thank the Chairman and the members of Subcommittee for their hard work. 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.

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



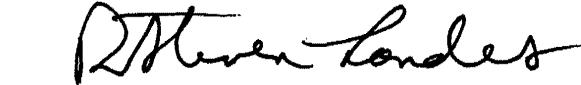
Beverly J. Sherwood, Chair



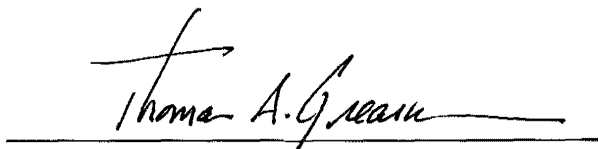
Robert Tata



Riley E. Ingram



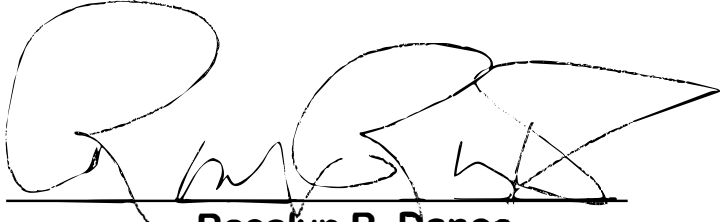
R. Steven Landes



Thomas A. Greason



Onzlee Ware



Rosalyn R. Dance

Budget Amendment Recommendations

HB 1500	2012-14 BIENNIAL TOTAL		
<u>Amendment</u>	<u>General</u>	<u>Nongeneral</u>	<u>FTE</u>
	<u>Fund</u>	<u>Fund</u>	<u>FTE</u>

EXECUTIVE OFFICES

Office of the Governor

Provide Re-entry Coordinator 265,353

Compensation Board

Reduce Jail Per Diems to Reflect Opening River North (540,000)
 Provide Partial Cost Recovery for Western Tidewater Jail 431,080
 Cost Recovery Exemption for Federal HEM Inmates Language

PUBLIC SAFETY

Department of Corrections

Reflect New Health Care Contract (10,601,144) 6
 Open River North Correctional Center 3 months early 3,698,819
 Transfer Juvenile Offender Funding from Juvenile Justice 663,757
 Provide funding for Woodrum Impacts 1,413,413
 Redirect Woodrum Impacts to River North (3,380,537)
 Eliminate Computer Interface with Social Services (275,000)
 Eliminate Re-entry Workshop Funding (20,500)

Department of Criminal Justice Services

Restore School Resource Officer Funding 1,291,153
 Eliminate PAPIS Budget Restoration Funding (185,364)

Department of Juvenile Justice

Transfer Juvenile Offender Funding from Juvenile Justice (663,757)

VETERANS AFFAIRS AND HOMELAND SECURITY

Secretary of Veterans Affairs and Homeland Security

Allocate BRAC-Oceana Funding from FACT Fund (6,213,496)
 Eliminate State Match for Grant from Economic Adjustment (250,000)

Department of Veterans Services

Training for Veterans Benefit Claims Agents - possible 30,000

Total: HB 1500 (14,601,576) - 6

Amendments to House Bill 1500, as Introduced

Public Safety Subcommittee

Item 54 #1h

Executive Offices	FY 12-13	FY 13-14	
Office Of The Governor	\$83,365	\$181,988	GF

Language:

Page 38, line 4, strike "\$3,606,623" and insert "\$3,689,988".

Page 38, line 4, strike "\$3,611,723" and insert "\$3,793,711".

Explanation:

(This amendment provides funding for a special advisor position that will work with staff of the Secretary of Public Safety and the Departments of Corrections and Juvenile Justice to develop and implement prisoner re-entry initiatives that are associated with reconnecting offenders with the family.)

Public Safety Subcommittee

Item 69 #1h

Administration	FY 12-13	FY 13-14	
Compensation Board	\$0	\$431,080	GF

Language:

Page 49, line 11, strike "\$49,888,871" and insert "\$50,319,951".

Page 51, after line 12, insert:

"7. An exemption from the recovery provided in paragraph H.1. shall also be provided to any regional jail that operates bed space specifically built for the housing of federal inmates and for which the Compensation Board has never been authorized to staff such bed space for a defined number of federal inmates upon certification by the superintendent of the specific funding amounts paid by the member localities of the regional jail authority, the regional jail authority, and the Commonwealth for the construction of bed space specifically built for the housing of federal inmates and for the construction of the jail facility in its entirety. The defined number of federal inmates to be exempted from the recovery provided in paragraph H.1. shall be based on the proportion of funding paid by the member localities of the regional jail authority or the regional jail authority for the construction of bed space to house federal inmates to the total funding paid by all sources, including the Commonwealth, for the construction of the jail facility in its entirety."

Explanation:

Amendments to House Bill 1500, as Introduced

(This amendment provides an exemption for the Western Tidewater Regional Jail for the construction of federal inmate housing paid for entirely by the member jurisdictions of the regional jail. An exemption has long been in place for those jails in which the federal share of the construction costs exceeded the Commonwealth's share of construction costs, and the Compensation Board provides no staffing for the share of the facility built with federal funds. For the Western Tidewater Regional Jail, while the Compensation Board provides no staffing for the portion of the facility built by the member jurisdictions of the regional jail, the Compensation Board still applies the federal cost recovery methodology to the entire jail, because the current exemption only applies to federally-built space.)

Public Safety Subcommittee

Item 69 #2h

Administration

Compensation Board

Language

Language:

Page 51, after line 12, insert:

"7. Beginning March 1, 2013, federal inmates placed in the custody of a regional jail pursuant to a work release program operated by the federal Bureau of Prisons shall be exempt from the recovery of costs associated with housing federal inmates pursuant to paragraph H.1. of this item if such federal inmates have been assigned by the federal Bureau of Prisons to a home electronic monitoring program in place for such inmates by agreement with the jail on or before January 1, 2012 and are not housed in the jail facility. However, no such exemption shall apply to any federal inmate while they are housed in the regional jail facility."

Explanation:

(This amendment provides Riverside Regional Jail an exemption from the Compensation Board's federal inmate cost recovery methodology for those federal inmates assigned by the federal Bureau of Prisons to a home electronic monitoring program. While Riverside Regional Jail receives a per diem for monitoring these federal inmates to ensure they are complying with the Bureau of Prisons' conditions, these federal inmates have never been housed within Riverside Regional Jail. In addition, the Bureau of Prisons has required Riverside Regional Jail to purchase the actual monitoring devices worn by the federal inmates. Language states that no exemption is provided for any federal inmate actually housed in the jail. This language would make the exemption effective with the first quarterly per diem payment to the jail in fiscal year 2014.)

Amendments to House Bill 1500, as Introduced

Public Safety Subcommittee

Item 69 #3h

Administration	FY 12-13	FY 13-14	
Compensation Board	\$0	(\$540,000)	GF

Language:

Page 49, line 11, strike "\$49,888,871" and insert "\$49,348,871".

Explanation:

(This amendment reduces the general fund support provided in the second year for the payment of jail per diems. Due to the opening of the River North Correctional Center in Grayson County, 517 state-responsible offenders will be removed from local and regional jails and transferred to the new facility.)

Public Safety Subcommittee

Item 388 #1h

Public Safety	FY 12-13	FY 13-14	
Department Of Corrections	(\$376,470)	(\$10,224,674)	GF
	0.00	6.00	FTE

Language:

Page 339, line 5, strike "\$835,120,019" and insert "\$834,743,549".

Page 339, line 5, strike "\$845,169,967" and insert "\$834,945,293".

Page 341, after line 15, insert:

"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."

Explanation:

(This amendment captures the net savings that will result from the implementation of a new contract with a private vendor to provide medical services to inmates in several correctional facilities. The amendment directs the agency to use some of the savings it will realize to hire staff to monitor the adequacy and quality of medical care provided to inmates in those facilities.)

Amendments to House Bill 1500, as Introduced

Explanation:

(This amendment provides the general fund dollars necessary to open the River North Correctional Center in October rather than January as proposed in the introduced budget. The included language also specifies the prioritization for the transfer of state-responsible offenders from local and regional jails.)

Public Safety Subcommittee

Item 388 #4h

Public Safety

FY 12-13

FY 13-14

Department Of Corrections

\$0

(\$3,380,537) GF

Language:

Page 339, line 5, strike "\$845,169,967" and insert "\$841,789,430".

Page 341, after line 15, insert:

"O. 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 department's operation of secure correctional facilities."

Explanation:

(This amendment uses the correctional costs associated with criminal sentencing legislation either increasing the penalties for criminal offenses or creating new criminal penalties to defray a portion of the Department of Corrections' expenses for the operation of state correctional centers.)

Public Safety Subcommittee

Item 389 #1h

Public Safety

FY 12-13

FY 13-14

Department Of Corrections

\$0

\$1,375,113 GF

Language:

Page 341, line 18, strike "\$94,276,988" and insert "\$95,652,101".

Page 343, line 39, strike "\$1,924,661" and insert "\$3,299,774".

Page 344, after line 17, insert:

"11. To increase the mandatory penalty for use of a firearm during the commission of a felony--\$1,375,113."

Explanation:

(This amendment provides the "Woodrum" appropriation for legislation that

Amendments to House Bill 1500, as Introduced

would increase the mandatory penalty for use of a firearm during the commission of a felony from 3 years to 4 years for the first offense and from 5 years to 6 years for a second or subsequent offense. State law requires that any legislation that would result in an increase in the prison population over the succeeding six years from its enactment be accompanied by an appropriation that would cover the increased costs in one year resulting from additional inmates. (This is often referred to as the "Woodrum amendment".))

Public Safety Subcommittee

Item 389 #2h

Public Safety	FY 12-13	FY 13-14	
Department Of Corrections	\$0	(\$275,000)	GF

Language:

Page 341, line 18, strike "\$94,276,988" and insert "\$94,001,988".

Page 344, strike lines 18 through 20.

Explanation:

(This amendment eliminates proposed general fund support for the establishment of a computer interface between the Department of Corrections and Department of Social Services. Currently, prior to release, the Department of Corrections provides information about soon-to-be-released state inmates to the Department of Social Services for service eligibility determinations. This information is distributed to the social services agencies located in the localities in which the state inmates were originally convicted, so the workload is very manageable. In addition, the Department of Social Services is currently in the midst of a computer system modernization. This modernization could possibly include such an interface.)

Public Safety Subcommittee

Item 389 #3h

Public Safety	FY 12-13	FY 13-14	
Department Of Corrections	\$0	(\$20,500)	GF

Language:

Page 341, line 18, strike "\$94,276,988" and insert "\$94,256,488".

Explanation:

(This amendment eliminates proposed funding for the provision of reentry

Amendments to House Bill 1500, as Introduced

workshops for state inmates. Pursuant to the Department of Corrections' Reentry Plan, reentry services are supposed to begin upon an offender's entry into the prison system. Reentry plans are developed for each state inmate, including educational and vocational services, and reentry probation officer positions have been created that are responsible for working with state inmates prior to release and for ensuring they are prepared for probation supervision. Reentry councils also work with state inmates prior to release in many locations.)

Public Safety Subcommittee

Item 389 #4h

Public Safety

FY 12-13

FY 13-14

Department Of Corrections

\$0

\$38,300 GF

Language:

Page 341, line 18, strike "\$94,276,988" and insert "\$94,315,288".

Page 343, strike line 46.

Page 344, strike line 1.

Page 344, line 2, strike "3" and insert "2".

Page 344, line 4, strike "4" and insert "3".

Page 344, line 6, strike "5" and insert "4".

Page 344, line 8, strike "6" and insert "5".

Page 344, line 10, strike "7" and insert "6".

Page 344, line 12, strike "8" and insert "7".

Page 344, line 14, strike "9" and insert "8".

Page 344, line 16, strike "10" and insert "9".

Page 344, after line 17, insert:

"10. To increase the penalties for any subsequent drunken driving conviction following any previous felony related to drunken driving -- \$50,000.

11. To increase the penalties for the possession of contraband cigarettes with the intent to distribute -- \$50,000.

12. To increase the penalties for possession, sale, purchase, and transportation of unstamped cigarettes -- \$50,000.

13. To prevent the presence of children, mentally incapacitated persons, and physically helpless persons from being present in any location where components for the manufacture of methamphetamine or the manufacture of methamphetamine is occurring -- \$50,000.

14. To prevent the assault and battery of any person employed by local or regional jail and involved in the care, treatment, or supervision of inmates -- \$50,000.

15. To regulate additional synthetic cannabinoids and other synthetic controlled

Amendments to House Bill 1500, as Introduced

substances --\$50,000.

16. To increase the penalties associated with second and subsequent convictions of impersonating an law-enforcement officer -- \$4,048.

17. To increase the penalties associated with a second conviction for stalking within five years -- \$23,197.

18. To require that mandatory minimum sentences be served consecutively -- \$743,967."

Explanation:

(This amendment provides for the expected "Woodrum Impacts" associated with legislation to increase criminal penalties or create new criminal penalties. These costs are paid into the Corrections Special Reserve Fund to account the bed space impacts on the Department of Corrections associated with housing additional offenders.)

Public Safety Subcommittee

Item 393 #1h

Public Safety

FY 12-13

FY 13-14

Department Of Criminal Justice
Services

\$0

\$1,291,153 GF

Language:

Page 345, line 14, strike "\$76,506,602" and insert "\$77,797,755".

Page 347, line 25, strike, "\$408,847" and insert "\$1,700,000".

Page 347, line 28, strike "9-171.1" and insert "9.1-110"

Page 347, line 28, after "Virginia." strike remainder of line.

Page 347, strike lines 29 and 30.

Page 347, after line 33, insert:

"3. Subject to the development of criteria for the distribution of grants from the fund, including procedures for the application process and the determination of the actual amount of any grant issued by the department, the department shall award grants to either local law-enforcement agencies, where such local law-enforcement agencies and local school boards have established a collaborative agreement for the employment of school resource officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school resource officers, or to local school divisions for the employment of school security officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school security officers in any public school. The application process shall provide for the selection of either school resource officers, school security officers, or both by localities. The

Amendments to House Bill 1500, as Introduced

department shall give priority to localities requesting school resource officers , school security officers, or both where no such personnel are currently in place. Localities shall match these funds based on the composite index of local ability-to-pay."

Explanation:

(This amendment provides \$1.3 million from the general fund the second year to fully restore general fund support for the school resource officer incentive grant program. The general fund amount is equal to the level of general support provided during fiscal year 2002, which represented the largest historical general fund support for the program. The amendment also states that the Department of Criminal Justice Services will prioritize the provision of grants to localities requesting school resource officers or school security officers in elementary, middle, and high schools where no such personnel are currently in place.)

Public Safety Subcommittee

Item 393 #2h

Public Safety

FY 12-13

FY 13-14

Department Of Criminal Justice
Services

\$0

(\$185,364) GF

Language:

Page 345, line 14, strike "\$76,506,602" and insert "\$76,321,238".

Explanation:

(This amendment eliminates the additional general fund dollars proposed to restore budget reductions that affected Pre- and Post-Incarceration Services (PAPIS) providers during the 2008-2010 biennium.)

Public Safety Subcommittee

Item 409 #1h

Public Safety

FY 12-13

FY 13-14

Department Of Juvenile Justice

\$0

(\$663,757) GF

Language:

Page 356, line 10, strike "\$73,733,700" and insert "\$73,069,943".

Explanation:

(This amendment transfers funding from the Department of Juvenile Justice to the

Amendments to House Bill 1500, as Introduced

Department of Corrections for the purpose of establishing a separate housing unit and programs for inmates under 18 years old who have been tried and convicted as adults and committed to Corrections by the courts. This separation from the adult population is required to meet new regulations under the federal Prison Rape Elimination Act.)

Public Safety Subcommittee

Item 459 #1h

Veterans Affairs And Homeland Security

FY 12-13

FY 13-14

Secretary Of Veterans Affairs And Homeland Security

\$0

(\$250,000) GF

Language:

Page 419, line 4, strike "\$1,618,239" and insert "\$1,368,239".

Page 419, strike lines 11 through 13.

Explanation:

(This amendment eliminates \$250,000 from the general fund in the second year that had been proposed as a match for an "anticipated" federal grant from the U.S. Department of Defense's Office of Economic Adjustment. The grant was to be used to compile a database on defense contractors.)

Public Safety Subcommittee

Item 459.05 #1h

Veterans Affairs And Homeland Security

FY 12-13

FY 13-14

Secretary Of Veterans Affairs And Homeland Security

\$0

(\$6,213,496) GF

Language:

Page 419, line 14, strike "\$7,500,000" and insert "\$1,286,504".

Page 419, line 23, strike "\$6,213,496".

Page 419, line 24, strike "from the general fund and"

Page 419, line 24, after ".", insert:

"and out of the appropriation for paragraph K.1 of Item 470 of Chapter 2, Special Session I of the Acts of Assembly of 2012 an amount equal to \$6,213,496 the second year."

Amendments to House Bill 1500, as Introduced

Explanation:

(This amendment removes the general fund share of the funding associated with payments for use by the City of Virginia Beach to eliminate encroachment of incompatible land uses on the United States Navy Master Jet Base Oceana pursuant to recommendations issued by 2005 Base Realignment and Closure Commission. A companion amendment to paragraph K. of Item 470 of Chapter 2 of the Acts of Assembly of 2012 provides a like amount from the FACT Fund to address the Commonwealth's commitment to purchase property to eliminate the incompatible land uses.)

Public Safety Subcommittee

Item 462 #1h

**Veterans Affairs And Homeland
Security**

FY 12-13

FY 13-14

Department Of Veterans Services

\$0

\$30,000 GF

Language:

Page 420, line 26, strike "\$7,566,622" and insert "\$7,596,622".

Page 421, after line 11, insert:

"F. Included in the amounts for this item, \$30,000 the second year from the general fund is appropriated to permit up to 20 benefit claims agents per year to attend training courses offered by national veterans service organizations. Up to 10 benefit claims agents per year shall attend national training courses offered by the American Legion and up to 10 benefit claims agents shall attend national training courses offered by the Veterans of Foreign Wars."

Explanation:

(This amendment provides general fund support to permit up to 20 benefit claims agents to attend training courses offered by national veteran service organizations.)
