



Report of the Subcommittee on
Public Safety

Senate Finance Committee
Virginia General Assembly

February 5, 2017

REPORT OF THE SUBCOMMITTEE ON PUBLIC SAFETY
On Senate Bill 900, as Introduced
(February 5, 2017)

Mr. Chairmen and Members of the Committee:

The subcommittee has reviewed the provisions of Senate Bill 900, the budget bill as introduced, for the Office of Public Safety and Homeland Security and the Office of Veterans and Defense Affairs.

Compared to previous years, there is relatively little to report this year. There are fewer budget reductions in this area, and we are recommending very little additional spending. In fact, we believe the highest priority this year is to address employee compensation, including compensation for our State Troopers. Accordingly, we suggest there be no new spending in this area, unless absolutely essential, and then only if action cannot be postponed until next year.

There are certain areas that are being addressed in the budget as introduced, which we support. For example, the Department of Juvenile Justice is moving forward with the plan to close Beaumont Juvenile Correctional Center in Powhatan County by June 30, 2017, and the net savings will be reallocated to community services for juvenile offenders. The plans for constructing a new, smaller facility in the City of Chesapeake are moving forward, and we will continue to work with Juvenile Justice to determine future facility needs and the future of the Bon Air campus in Chesterfield County.

We are also pleased to report that the Department of Veterans Services (DVS) is reorganizing the former Wounded Warrior Program, now known as the Virginia Veteran and Family Support (VVFS) Program. This reorganization has been studied and approved by JLARC and the Secretaries of Public Safety and Homeland Security and Veterans and Defense Affairs. The recommended actions will move employees in the field currently working for local Community Services Boards into state service under DVS, to improve coordination and efficiency.

We support the mental health initiative included in the budget as introduced, but with certain adjustments. We recommend the \$4.2 million for screening and assessment of jail inmates be redirected to provide better mental health services, so we can encourage moving more of the mentally ill out of jail whenever possible.

Legislation is being advanced (SB 940 and SB 1442) to require the use of a standard mental health screening instrument for offenders admitted to jail and to require an assessment within 72 hours for those deemed to have a mental illness. Almost all of the jails are already doing the screening, but only about half are using the same instrument. This is an important first step, and we believe these requirements can be met with existing staff. If experience suggests additional resources are needed, this should be addressed through the Compensation Board jail staffing standards

The key difficulty facing our jails is that once the offenders are screened and assessed, there are very few alternatives for diverting the offenders with mental illness to a facility designed and staffed for that purpose. One possible solution has recently presented itself. We have learned the Peumansend Regional Jail in Caroline County (on the grounds of Fort A. P. Hill) is closing this year. Accordingly, we have included language requesting the Secretaries of Public Safety and Homeland Security and Health and Human Resources to consider whether this facility could be converted into a regional treatment facility for the mentally ill from other jails.

There are other areas where we will have to defer action for another day. For example, training standards and curriculum for community policing will have to be updated during the next biennium, and we hope the Department of Criminal Justice Services will be able to lay the groundwork for this update as soon as resources permit. Likewise, in the next biennium, we should begin the process of reviewing the structure and financing of Virginia's regional and local law enforcement training academies.

The budget as introduced defers all funding for opening the new correctional center for women in Culpeper County (which was formerly a juvenile facility). We support this decision, although we recognize that additional space for female offenders will be needed in the next biennium as soon as additional revenues are available.

Medical costs in the Department of Corrections are rising sharply, in part because we have more inmates who are older and sicker, and because costs for treating Hepatitis-C are rising -- but also because the incentives in the DOC medical contracting process are not as conducive as they might be to controlling costs. Continued review of this area by the subcommittee is essential. We have included language directing the department to review the cost experience of the highest-cost inmates to seek better strategies to manage care and control costs.

We have also included language asking the department to consider how the increased use of technology may help to offset the need for manpower and increase the operational efficiency and security of our correctional facilities in the future.

All of our law enforcement and correctional agencies are facing huge challenges today in recruiting and retaining the best people in the field. That is why this subcommittee is recommending that every possible dollar of new funding be reallocated to enhancing public safety employee compensation, including increasing starting pay and addressing compression for our State Troopers, as well as addressing salaries, compression, and the career development program for our deputy sheriffs, as recommended by the Subcommittee on General Government and Technology.

Mr. Chairmen, this completes the report of the Subcommittee on Public Safety.

Respectfully Submitted,

The Honorable Ryan McDougle, Chairman

The Honorable Janet D. Howell

The Honorable Thomas K. Norment, Jr.

The Honorable L. Louise Lucas

The Honorable Charles W. Carrico

The Honorable Mark D. Obenshain

REPORT OF THE SUBCOMMITTEE ON PUBLIC SAFETY (February 5, 2017)

(Proposed Amendments to SB 900, As Introduced, 2017 Session)

Amendment	General Funds		
	FY 2017	FY 2018	Biennium
1 Secretary of Public Safety and Homeland Security			
2 Study of potential use of Peumansend Creek Regional Jail for mental health (with Secretary of HHS)		Language	
3 Department of Alcoholic Beverage Control			
4 Study of regulatory and licensing fee structure		Language	
5 Adjust NGF appropriations to reflect revised estimate of sales growth		NGF	
6 ABC Authority; authorization for performance pay (Central Appropriations)		Language in Item 475	
7 ABC Authority; exemption from DGS approval of vehicle purchases		Language in Part 4-5.04	
8 ABC Authority; exemption from VITA for procurement of IT facilities and services		Language in Part 4-5.04	
9 Department of Corrections			
10 Study of potential use of technology to increase productivity and security		Language	
11 Medical services study of high-cost inmates (utilizing VCU Dept. of Health Administration)		Language	
12 Board of Corrections; eliminate one of the two new positions associated with SB 1063		(100,000)	(100,000)
13 Language to clarify state share of capital cost for jails (consistent with SB 1313)		Language	
14 Section 30-19.1:4 impact of Senate Bills (please refer to the appendix beginning at line 56 below)		(200,000)	(200,000)
15 Department of Criminal Justice Services			
16 Redirect funds for jail mental health screening and assessment grants (-2.0 FTE, strike language)		(4,200,000)	(4,200,000)
17 Community policing training standards and curricula (see language in report expressing intent)		(500,000)	(500,000)
18 Transfer existing DARE funding from DSP to DCJS for grant to York County-Poquoson Sheriff; evaluation		85,000	85,000
19 Department of State Police			
20 Additional GF from firearms transactions, concealed weapons permit fees (+\$609,748 each year)		Revenue Page	
21 Transfer existing DARE funding to DCJS for grant to York County-Poquoson Sheriff		(85,000)	(85,000)
22 Remove \$5.9 million and 16 positions proposed for VITA separation (SB 1115 was not reported)		(5,935,000)	TBD
23 Add \$2.935 million to Central Appropriations for State Police IT requirements (language)		See Item 476	
24 Background checks - eliminate two new proposed positions		(164,000)	(164,000)
25 Universal background checks, -7 FTE		(507,904)	(507,904)
26 Restore half of funds that were cut for new Special Operations Division (+10 FTE)		1,200,000	1,200,000
27 Study of concealed carry fees (SB 791 was PBI'd, and the committee agreed to study language)		Language	
28 Study of STARS radio system equipment replacement needs (language)		100,000	100,000
29			
30 Total: Office of Public Safety and Homeland Security	0	(10,306,904)	(10,306,904)
31			
32			
33			

	General Funds		
	FY 2017	FY 2018	Biennium
Amendment			
Secretary of Veterans and Defense Affairs			
Veterans Entrepreneurship Program (SB 1114 not reported; adds language to move forward with working group)		(900,000)	(900,000)
Department of Veterans Services			
Albert Horton Veterans Cemetery, Suffolk (federal funding for burial vaults; authorization for treasury loan)		Part 2	
Convert one part-time position to one FTE position for the DVS benefits office at the McGuire Veterans Hospital		FTE	
Create separate budget item for Veterans Services Foundation (two amendments, consistent with SB 1075)		Language	
Total: Office of Veterans and Defense Affairs	0	(900,000)	(900,000)

Part 3 - Transfers

- ABC: Transfer amendment (3-1.01.A.2.); increased profits from sales (\$0.8 million in FY 2017, \$1.6 million in FY 2018)
- ABC: Transfer amendment for operational efficiencies (3-1.01.R.); remove funds budgeted for FLSA overtime (\$0.9 million each year)
- ABC: Transfer amendment for operational efficiencies (3-1.01.R.); remove double count of Leadership Structure Funds (\$0.5 million FY 2018)
- ABC: Negate obsolete language in Code of Virginia related to reserve fund for depreciation (see language in 3-1.01.A.2.b.)
- State Police: Transfer additional revenues from firearms transactions and concealed weapons fees to general fund (see language in 3-1.01.DD.)

Appendix: Criminal sentencing bills with corrections bedspace fiscal impact (per Section 30-19.1:4)		
Total Required Deposit into Corrections Special Reserve Fund, SB 900, as introduced*		300,000
Bills recommended by the Public Safety Subcommittee:		
SB 1154 (Reeves/Howell) - Providing material support to terrorist organizations	50,000	
SB 1390 (Norment/Howell) -- Cigarette Trafficking; creates new cigarette exemption certificate	50,000	
Total Required Deposit into Corrections Special Reserve Fund, Subcommittee Report		100,000
Addition (reduction) as calculated against SB 900, as introduced (please refer to line 13 above)		(200,000)
* \$300,000 included in SB 900, as introduced (to address Governor's bills)		

Peumansend Creek Regional Jail Study

Public Safety and Homeland Security

Secretary of Public Safety and Homeland Security

Language

Language:

Page 376, following line 23, insert:

"C. The Secretary of Public Safety and Homeland Security and the Secretary of Health and Human Resources shall jointly prepare a report on potential options for continued utilization of the Peumansend Creek Regional Jail as a state, regional, or local correctional mental health facility. This shall include, but not necessarily be limited to, conversion of this facility into a regional mental health facility for inmates from regional or local jails who have been determined to have mental illness and who could be more appropriately housed in a specialized, minimum security facility rather than in a traditional jail setting. The study shall address financing options; governance and accountability; the appropriate mechanisms for administering the facility; security, operational, medical, and mental health treatment standards; and transport procedures. The Secretaries shall consult with the U.S. Department of the Army and leadership at Fort A. P. Hill to assure continuation of a cooperative agreement for the use of the property, as appropriate. Copies of the report shall be provided to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees by October 1, 2017."

Explanation:

(This amendment directs the Secretaries of Public Safety and Homeland Security and Health and Human resources to provide a report on the potential use of the Peumansend Creek Regional Jail, which is closing in the spring of 2017, as a treatment facility for jail inmates with mental illness.)

Study of ABC Regulatory and Licensing Fee Structure

Public Safety and Homeland Security

Department of Alcoholic Beverage Control

Language

Language:

Page 377, following line 20, insert:

"D. The Department of Alcoholic Beverage Control shall conduct a study of its current application and licensing fees as established in the Code of Virginia, with

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regard to the adequacy of the current fee structure in covering the actual cost of regulating the alcoholic beverage industry in the Commonwealth. In conducting its study, the department shall consider the actual costs involved in issuing a license, regulating that license, and adjudicating violations against a license, as well as the actual cost of collecting all fees. The department shall report its findings and any recommendations to the Secretary of Public Safety and Homeland Security, the Chairmen of the Senate Committees on Rehabilitation and Social Services and Finance, and the Chairmen of the House Committees on General Laws and Appropriations by November 1, 2017."

Explanation:

(This amendment directs the Department of Alcoholic Beverage Control to study its current regulatory and licensing fee structure.)

Item 391 #1s

Jail Reimbursement Policy Clarification

Public Safety and Homeland Security

Department of Corrections

Language

Language:

Page 380, strike lines 30 through 33 and insert:

"E. The Commonwealth shall reimburse localities or regional jail authorities for up to 25 percent of the cost of constructing, enlarging, or renovating local or regional jails, for projects approved by the Governor on or after July 1, 2017, consistent with the provisions of Senate Bill 1313 of the 2017 General Assembly."

Explanation:

(This amendment clarifies that all jail capital projects approved by the Governor on or after July 1, 2017, may be reimbursed by the Commonwealth for up to 25 percent of the approved project costs, consistent with Senate Bill 1313 of the 2017 General Assembly.)

Item 393 #1s

Study of DOC Medical High-Cost Inmates

Public Safety and Homeland Security

Department of Corrections

Language

Language:

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Page 382, line 46, strike "J." and insert J.1."

Page 382, following line 56, insert:

"2. The Department of Corrections, through its contract with the Virginia Commonwealth University Department of Health Administration, shall prepare a report on the management of a selected number of inmates who account for the largest share of total inpatient and outpatient medical care costs within the department. The report shall address the number and characteristics of these inmates (including demographic background, offense history, and security classification) who account for the highest costs for medical care. The report shall also consider their medical history and current medical issues and address potential case management strategies and other steps to reduce costs for these inmates in the long term. Copies of the report shall be provided by October 1, 2017, to the Secretary of Public Safety and Homeland Security, the Secretary of Health and Human Resources, the Chairman of the Joint Commission on Health Care, and the Chairmen of the Senate Finance and House Appropriations Committees."

Explanation:

(This amendment directs the Department of Corrections to provide a report on the small number of inmates who account for a large proportion of total inpatient and outpatient medical care costs, along with strategies for controlling those costs in the long term.)

Item 394 #1s

Study of Technology in Corrections

Public Safety and Homeland Security

Department of Corrections

Language

Language:

Page 386, following line 18, insert:

"P. The Department of Corrections shall prepare a report on the current and future use of technology within the department for the purposes of increasing security and employee productivity and achieving long-term cost savings. The department shall give consideration to technological innovations which could be applied to current and future correctional facilities and to the supervision of offenders in the community. Copies of the report, including any recommendations as appropriate, shall be provided to the Secretary of Public Safety and Homeland Security, the Director of the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committee by October 1, 2017."

Explanation:

(This amendment directs the Department of Corrections to study the current and future use of

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technology to improve security and employee productivity, and to achieve long-term cost savings.)

Item 394 #2s

Board of Corrections Position

Public Safety and Homeland Security	FY16-17	FY17-18	
Department of Corrections	\$0	(\$100,000)	GF
	0.00	-1.00	FTE

Language:

Page 383, line 41, strike "\$99,301,981" and insert "\$99,201,981".
Page 386, line 14, strike "\$200,000" and insert "\$100,000".
Page 386, line 15, strike "two positions" and insert "one position".
Page 386, line 17, strike "legislation submitted by the Governor to the" and insert "Senate Bill 940 of the".

Explanation:

(This amendment eliminates \$100,000 the second year from the general fund and one of two new positions to support the Board of Corrections, which were included in the budget as introduced. An expansion of the duties and responsibilities of the Board of Corrections related to the investigation of deaths in jails was included in Senate Bill 1063, as introduced, but was not included in the bill as adopted by the Senate. Accordingly, one of the two proposed positions is not needed.)

Item 398 #3s

DARE Program Funding to DCJS

Public Safety and Homeland Security	FY16-17	FY17-18	
Department of Criminal Justice Services	\$0	\$85,000	GF

Language:

Page 387, line 9, strike "\$83,112,089" and insert "\$83,197,089".
Page 389, line 23, strike "2." and insert "2.a."
Page 389, following line 26, insert:
"b. The Center for School Safety shall provide a grant of \$85,000 in the second year to the York County-Poquoson Sheriff's Office for the statewide administration of the Drug Abuse Resistance Education (DARE) program. The Center for School Safety shall conduct an

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evaluation of the effectiveness of the program along with an assessment of other evidence-based drug education programs, and shall provide a report on its findings to the Secretary of Public Safety and Homeland Security, the Director of the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees by January 1, 2018."

Explanation:

(This amendment provides a grant of \$85,000 from the general fund the second year for statewide administration of the Drug Abuse Resistance Education (DARE) program and requires an evaluation of the program. A companion amendment to Item 423 transfers these funds from the Department of State Police for this purpose.)

Item 422 #2s

STARS Study

Public Safety and Homeland Security	FY16-17	FY17-18	
Department of State Police	\$0	\$100,000	GF

Language:

Page 405, line 17, strike "\$60,796,758" and insert "\$60,896,758".

Page 406, line 34, strike "I." and insert "I.1."

Page 406, following line 37, insert:

"2. Included in this appropriation is \$100,000 in the second year from the general fund for the Department of State Police to contract for a comprehensive review of the long-term equipment replacement needs for the State Agencies Radio System (STARS). The first phase of this review, including recommendations for additional review during the 2018-20 biennium, shall be presented to the Secretary of Public Safety and Homeland Security, the Secretary of Information Technology, the Director of the Department of Planning and Budget, the STARS Management Group, and the Chairmen of the Senate Finance and House Appropriations Committees by November 1, 2017."

Explanation:

(This amendment provides \$100,000 the second year from the general fund for a review of equipment replacement needs for the State Agencies Radio System.)

Item 422 #3s

State Police Study of Concealed Carry Fees

Public Safety and Homeland Security

Public Safety Subcommittee

Department of State Police

Language

Language:

Page 407, following line 10, insert:

"L. The Department of State Police shall review the current fee structure for concealed weapons permits, including the \$10 application and processing fee charged by the clerk, the fee of up to \$35 which may be charged by the local law enforcement agency conducting the background investigation, and the fee of up to \$5 which may be charged by the Department of State Police for the criminal background check. The Department shall determine the extent to which the fees are being charged, actual revenues, the actual costs incurred by the agencies charging the fees, and potential options, if feasible, for reducing the fees. The Department shall provide a report on its findings, and any recommendations, if appropriate, by November 1, 2017, to the Secretary of Public Safety and Homeland Security and to the Chairmen of the Senate Finance and House Appropriations Committees."

Explanation:

(This amendment directs the Department of State Police to review the current fee structure for concealed weapons permits.)

Item 466 #1s

Planning for Veterans Entrepreneurship Program

Veterans and Defense Affairs

Secretary of Veterans and Defense Affairs

Language

Language:

Page 453, following line 48, insert:

"C. The Secretary of Veterans and Defense Affairs shall convene a working group including, but not necessarily limited to, representatives of the Department of Veterans Services, the Veterans Services Foundation, the Virginia Community College System, the Department of Housing and Community Development, the Virginia Small Business Financing Authority, and the Joint Leadership Council, to develop a collaborative strategy to provide, within the Virginia Community College System, a center of expertise and/or a program utilizing the business faculty and curriculum, and other resources as available, to help Virginia veterans to become successful entrepreneurs. The objectives of such a program would include assisting veterans in developing business plans, obtaining capital, meeting accounting and record-keeping requirements, and achieving compliance with business laws, regulations, and other requirements associated with starting a small business, and promoting other essential entrepreneurship skills as appropriate. The working group shall report its findings and recommendations to the Chairmen of the Senate Finance and House Appropriations

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Committees by October 1, 2017.

Explanation:

(This amendment directs the Secretary of Veterans and Defense Affairs to convene a working group to develop a plan to provide assistance to veterans in entrepreneurship through the Virginia Community College System.)

Item 472.20 #1s

Veterans Services Foundation - New Item

Veterans and Defense Affairs	FY16-17	FY17-18	
Department of Veterans Services	\$0	\$115,000	GF
	\$0	\$150,000	NGF
	0.00	1.00	FTE

Language:

Page 456, after line 36, insert:

"VETERANS SERVICES FOUNDATION
472.20 Veterans Services Foundation \$0 \$265,000
Fund Sources: General \$0 \$115,000
Dedicated Special Revenue \$0 \$150,000.

The Chairman of the Veterans Services Foundation shall submit a quarterly report to the the Secretary of Veterans and Defense Affairs and an annual report to the Chairmen of the Senate Finance and House Appropriations Committees, beginning July 1, 2017, detailing revenues and expenditures for the Veterans Services Fund and the provision of administrative and support services for the Foundation."

Explanation:

(This amendment establishes the Veterans Services Foundation as an entity independent of the Department of Veterans Services, under the Secretary of Veterans and Defense Affairs, pursuant to Senate Bill 1075. A companion amendment makes corresponding reductions in Item 472 under the Department of Veterans Services. These amendments are contingent upon final passage of Senate Bill 1075 by the 2017 Session of the General Assembly. It is the intent of the General Assembly that the appropriate agency code for the Foundation will be added during enrollment.)

Item 475 #2s

ABC Authority Performance Pay Plan

Central Appropriations

Central Appropriations

Language

Language:

Page 467, line 7, strike "and".

Page 467, line 8, after "Authority" strike "." and insert "; and,".

Page 467, following line 8, insert:

"i. The Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority."

Explanation:

(This amendment authorizes the Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority to implement a performance-based pay plan.)

Item 3-1.01 #6s

ABC Estimated Sales Growth

Transfers

Interfund Transfers

Language

Language:

Page 514, line 1, strike "97,328,070" and "101,428,070" and insert "98,128,070" and "103,028,070".

Explanation:

(This amendment updates net profits from the sale of alcoholic beverages to reflect estimated sales growth of 4.5 percent in each year. A companion amendment to the Revenue Page reflects the increased transfers from the Department of Alcoholic Beverage Control to the general fund of \$800,000 the first year and \$1,600,000 the second year resulting from this amendment.)

Item 3-1.01 #7s

ABC Operational Efficiencies

Transfers

Interfund Transfers

Language

Language:

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Page 517, line 29, strike "2,464,585" and insert "3,364,585".

Page 517, line 30, strike "2,464,585" and insert "3,864,585".

Explanation:

(This amendment makes technical corrections in the transfer of profits from the Department of Alcoholic Beverage Control to the general fund, to remove a double counting of funds budgeted for leadership transition in the second year and to remove increased overtime funds budgeted in each year for the Fair Labor Standards Act overtime rule. A companion adjustment to the Revenue Page reflects the increased transfers to the general fund of \$900,000 the first year and \$1,400,000 the second year resulting from this amendment.)

Item 3-1.01 #8s

ABC - Negate obsolete language concerning depreciation

Transfers

Interfund Transfers

Language

Language:

Page 514, line 3, at the end of the line, insert "However, Section 4.1-116.B. shall not apply if depreciation is expensed directly in order to reduce net profits."

Explanation:

(This amendment clarifies that depreciation cannot be deducted from net profits more than once.)

Item 3-1.01 #9s

State Police Fee Revenue to General Fund

Transfers

Interfund Transfers

Language

Language:

Page 518, line 27, strike "280,000" and insert "889,748".

Page 518, line 28, strike "600,000" and insert "1,209,748".

Explanation:

(This amendment increases the deposit to the general fund from firearms transaction and concealed weapons permit fees at the Department of State Police by \$609,748 each year.)

Item 4-5.04 #2s

ABC Authority Exemption from VITA

Special Conditions and Restrictions on Expenditures

Goods and Services

Language

Language:

Page 559, line 40, after "Assembly" insert ", or to the Virginia Alcoholic Beverage Control Authority."

Explanation:

(This amendment exempts the Virginia Alcoholic Beverage Control Authority from VITA for the procurement of information technology facilities and services.)

Item 4-5.04 #3s

ABC Authority Exemption from purchase or lease of vehicles

Special Conditions and Restrictions on Expenditures

Goods and Services

Language

Language:

Page 559, line 48, after "education" insert "and the Virginia Alcoholic Beverage Control Authority".

Page 559, line 51, after "education" insert "or the Virginia Alcoholic Beverage Control Authority".

Page 559, line 51, after "institution" insert "or the Virginia Alcoholic Beverage Control Authority".

Page 559, line 53, after "institution" insert "or the Virginia Alcoholic Beverage Control Authority".

Explanation:

(This amendment exempts the Virginia Alcoholic Beverage Control Authority from the requirement that the purchase or lease of any motor vehicles with state funds must be approved in writing in advance by the Director of the Department of General Services.)
