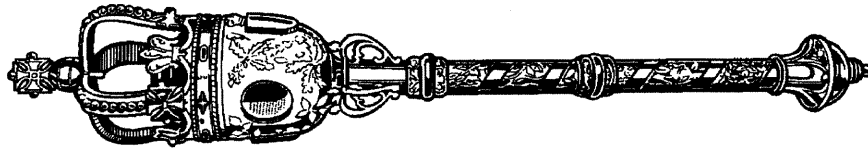


*Report of the
House Appropriations
Subcommittee*

on

Public Safety



House Bill 1650

February 4, 2007

REPORT OF THE SUBCOMMITTEE

on

PUBLIC SAFETY

Mr. Chairman and Members of the Committee:

As we began to review the additional funding included for the Public Safety agencies in the introduced budget, this Subcommittee recognized that prior to initiating any new programs, we had a responsibility to examine those programs that have demonstrated past success. Although substantial new programs were proposed in the introduced budget, we determined that our first priority would be to ensure that the Commonwealth's existing programs were adequately staffed and funded rather than directing funding to programs where no record of success existed.

Nonetheless, there were several issues that the Subcommittee recommended addressing. First, Mr. Chairman, I am pleased to recommend the addition of \$5.5 million for Commonwealth preparedness. As we all realize, one of the core responsibilities of government is the protection of our citizens' safety. The funding recommended by the Subcommittee to you today includes \$2.0 million for an Evacuation Facility Grant Program, support for the emergency preparedness efforts of the Virginia National Guard, the expansion of the emergency network currently operating in Northern Virginia to the Tidewater region, funding to ensure the continuation of state and local government services during emergencies, and upgrading the Department of Emergency Management's mobile command center. The Subcommittee is also recommending the establishment of positions to assist localities with their emergency planning efforts.

Another issue that the Subcommittee recommended addressing was the need for additional bed space for the state correctional system. To address the projected increase in state-responsible prisoners, the Subcommittee recommends that \$1.2 million be made available for the planning and site work for a new state prison to be built in

Charlotte County, as was approved by the General Assembly two years ago.

However, we also recognize that simply building prisons is not enough. Too many offenders return to prison time and again. Consequently, the Subcommittee is recommending \$2.8 million to provide assistance to offenders returning to society. This funding would support the continuation of discontinued federal grants to support non-profit offender re-entry programs; the addition of seven transition specialists to work with offenders to ensure that their basic identification, employment, and housing needs are met; an expansion of the WorkKeys program, which provides offenders with an employer-recognized Career Readiness Certificate; and the initiation of transition housing for juveniles, a program which is designed to prevent these juvenile offenders from entering the prison system.

Mr. Chairman, the Subcommittee is also very pleased to report that we are recommending no change to the formula for distributing House Bill 599 funds. As many of this Committee's members are aware, this formula has worked relatively well for 25 years. Consequently, it does not seem fair to this Subcommittee's members that, of the 176 localities receiving funds from this program, 156 of those communities would see their statutory allocations reduced to provide more aid to 20 localities, especially given that the additional funding primarily addresses a single locality issue.

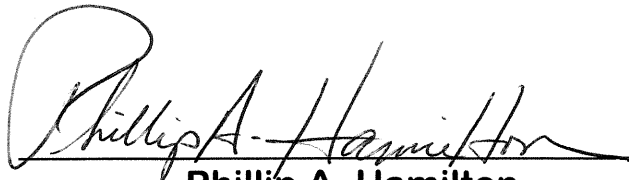
Finally, Mr. Chairman, the Subcommittee would like to thank Delegate Putney and the Compensation and Retirement Subcommittee for their support of the salary adjustments for our adult and juvenile correctional officers. These officers confront very troubled persons and protect the public's safety every day.

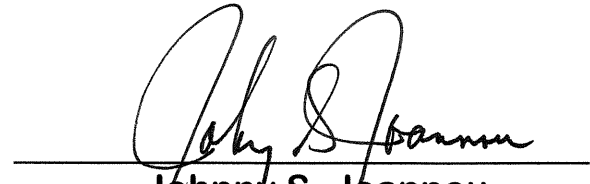
Mr. Chairman and fellow Committee members, I will ask staff to take you through our detailed recommendations, and then I hope it will be your pleasure to adopt our subcommittee report.

Respectfully Submitted by the House Appropriations Subcommittee
on Public Safety:

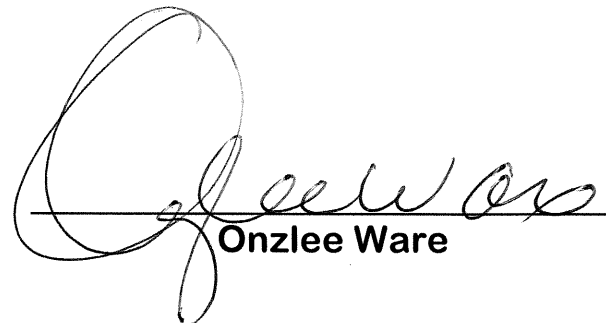

Beverly J. Sherwood, Chair

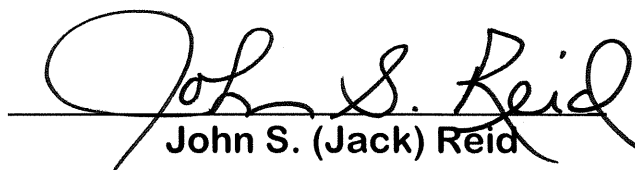

Watkins M. Abbitt, Jr.

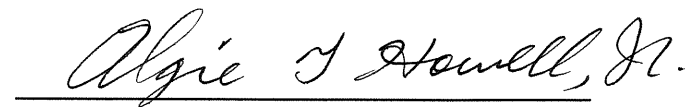

Phillip A. Hamilton


Johnny S. Joannou


Leo C. Wardrup, Jr.


Onzlee Ware


John S. (Jack) Reid


Algie T. Howell, Jr.

Budget Amendment Recommendations

HB 1650	2007-08 BIENNIAL TOTAL		
<u>Amendment</u>	<u>General</u> <u>Fund</u>	<u>Nongeneral</u> <u>Fund</u>	<u>FTE</u>

PUBLIC SAFETY

Compensation Board -- Sheriffs and Jails

Local and Regional Jail Inmate Health Care Costs

Language

Secretary of Public Safety

Eliminate Evaluation of Pilot Re-entry Councils

(50,000)

Department of Corrections

Eliminate Assumption of Federal VASAVOR Grant

(579,900)

New River Valley Regional Jail Expansion

Language

State Correctional Facility Inmate Health Costs

(2,266,212)

HB 2749 -- Woodrum Impacts

1,194,404

HB 2524 -- Woodrum Impacts

4,251

Charlotte County State Correctional Facility

Language

Inmate Phone System Contract Commissions

Language

Department of Criminal Justice Services

Address Victim-Witness Fund Shortfall

2,679,517

Eliminate Pilot Local Re-entry Councils

(792,000)

Eliminate Expansion of PAPIS Programs

(77,000)

Civil Contempt Probation Pilot Study

Language

Roanoke County Criminal Justice Academy

Language

Eliminate of Changes to HB 599 Distribution Formula

Language

Certification of HB 599 Funds Use for Public Safety Costs

Language

Department of Emergency Management

Reduction in Evacuation Facility Grant Program

(1,500,000)

Elimination of ReadyVirginia! Public Service Campaign

(350,000)

Elimination of Citizen Preparedness Survey

(20,000)

Elimination of Severe Weather Alert Network

(250,000)

Provide FTE Omitted in Introduced Budget

-

4.00

Department of Juvenile Justice

Culpeper County Detention Center Payment Forgiveness

Language

Eliminate Funding for More Juvenile Correctional Officers

(930,267)

Department of Military Affairs

Agency Technical Adjustments

266,217

Department of State Police

State Police Insurance Fraud Unit

792,481

5.00

Total: HB 1650

(2,670,990)

792,481

9.00

Administration

Compensation Board

Language

Language:

Page 52, line 30, after "D.", insert "1."

Page 52, after line 35, insert:

"2. Payment by local and regional correctional facilities for costs incurred for the provision of health care items, treatment, and services for prisoners in the custody of such facilities shall not exceed the lesser of the amount that would be paid for the provision of similar health care items, treatments, or services under (i) the Medicare program under Title XVIII of the federal Social Security Act or (ii) the Virginia Medicaid program pursuant to Title 32.1, Code of Virginia. Any payment for a health care item, treatment, or service made pursuant to this section shall be deemed to be full and final payment."

Explanation:

(This amendment limits payments by local or regional jails for inmate health care items, treatments, or services to the lesser of the amount paid by Medicare or Medicaid.)

Public Safety**FY 06-07****FY 07-08**

Secretary Of Public Safety

\$0

(\$50,000) GF

Language:

Page 405, line 4, strike "\$786,845" and insert "\$736,845".

Page 405, strike lines 35 through 40.

Explanation:

(This amendment eliminates a proposed general fund appropriation of \$50,000 included for a study of the implementation of local offender re-entry councils. Studying the implementation of the local re-entry councils is not the same as studying whether they are effective in reducing recidivism.)

Public Safety	FY 06-07	FY 07-08	
Department Of Corrections	\$0	(\$579,900)	GF

Language:

Page 408, line 48, strike "\$82,999,180" and insert "\$82,419,280".

Page 408, line 50, strike "\$75,135,833" and insert "\$74,555,933".

Explanation:

(This amendment eliminates the proposed assumption of an expired federal grant by the Commonwealth. The federal grant for which assumption was proposed is the VASAVOR grant, which provided services to violent offenders returning to two localities. The description included with the proposed funding indicated the general fund dollars were being provided on a pilot basis, which indicates that the funding may not be sustained.)

Public Safety Subcommittee

Item 384 #2h

Public Safety

Department Of Corrections

Language

Language:

Page 411, after line 45, insert:

"n. The New River Regional Jail Authority, in order to proceed in planning for an expansion project for the existing regional jail facility. Notwithstanding the provisions of § 53.1-82.3, Code of Virginia, the Authority may submit the required community-based corrections plans, facility specifications, and the expected construction and other project costs to the Department of Corrections and State Board of Corrections for review prior to March 1, 2007. Furthermore, upon approval by the State Board of Corrections, the Governor may include a recommendation for funding such project for consideration by the General Assembly at its 2008 Session."

Explanation:

(This amendment provides an exemption from the current moratorium on new local or regional jail construction or expansion projects for the New River Regional Jail.)

Public Safety Subcommittee

Item 386 #1h

Public Safety

FY 06-07

FY 07-08

Department Of Corrections

\$0 (\$2,266,212) GF

Language:

Page 413, line 42, strike "\$857,045,953" and insert "\$854,779,741".

Page 413, line 50, strike "\$135,131,275" and insert "\$132,865,063".

Page 415, after line 14, insert:

"H. Payment by state correctional facilities for costs incurred for the provision of health care items, treatment, and services for prisoners in the custody of such facilities shall not exceed the lesser of the amount that would be paid for the provision of similar health care items, treatments, or services under (i) the Medicare program under Title XVIII of the federal Social Security Act or (ii) the Virginia Medicaid program pursuant to Title 32.1, Code of Virginia. Any payment for a health care item, treatment, or service made pursuant to this section shall be deemed to be full and final payment."

Explanation:

(This amendment limits payments by state correctional facilities for inmate health care items, treatments, or services to the lesser of the amount paid by Medicare or Medicaid. The amendment results in reduced hospitalization costs of \$2.3 million)

Public Safety Subcommittee

Item 387 #2h

Public Safety

FY 06-07

FY 07-08

Department Of Corrections

\$0

\$1,194,404 GF

Language:

Page 415, line 16, strike "\$64,347,963" and insert "\$65,542,367".

Page 418, after line 39, insert:

"M. Included in this appropriation is \$1,194,404 the second year from the general fund for the estimated net increase in the operating costs of adult correctional facilities resulting from the enactment of House Bill 2749 of the 2007 Session of the General Assembly. This amount shall be paid into the Corrections Special Reserve Fund, established in accordance with § 30-19.1:4, Code of Virginia."

Explanation:

(This amendment provides funding in the second year from the general fund for the additional state correctional beds associated with House Bill 2749, which requires the registration of e-mail addresses, screen names, and other internet log-ins used by sex offenders and increases the penalties associated with the production, publication, sale, possession with the intent to distribute, or financing of child

pornography. This funding is required to address the Woodrum impacts of the bill.)

Public Safety Subcommittee

Item 387 #5h

Public Safety

Department Of Corrections

Language

Language:

Page 418, after line 39, insert:

"M. Included in this appropriation is \$1,198,655 the second year for the Department of Corrections to move forward toward the identification, selection, and acquisition of a site in Charlotte County for a medium security correctional facility, as envisioned in subparagraph I.2. of Item 410 of Chapter 951 of the Acts of Assembly of 2005, including moving forward through the use of the Public-Private Education and Infrastructure Act or such other means as shall be appropriate to meet projected bedspace requirements through fiscal year 2011."

Explanation:

(This amendment provides \$1.2 million to pay for the initial architectural and engineering plans and to move forward on the selection of a site for a new prison facility in Charlotte County. Based upon the current projected number of adult state-responsible prisoners, the construction of this new facility will be required by the end of fiscal year 2011. Funding for the planning and site purchase is derived from the Corrections Special Reserve Fund, for which a deposit of \$1.2 million is necessary because of House Bill 2749 and House Bill 2524, introduced during the 2007 Session of the General Assembly.)

Public Safety Subcommittee

Item 387 #6h

Public Safety

FY 06-07

FY 07-08

Department Of Corrections

\$0

\$4,251 GF

Language:

Page 415, line 16, strike "\$64,347,963" and insert "\$64,352,214".

Page 418, after line 39, insert:

"M. Included in this appropriation is \$4,251 the second year from the general fund for the estimated net increase in the operating costs of adult correctional facilities resulting from the enactment of House Bill 2524 of the 2007 Session of the General Assembly. This amount shall be paid into the Corrections Special Reserve Fund,

established in accordance with § 30-19.1:4, Code of Virginia."

Explanation:

(This amendment provides funding in the second year from the general fund for the additional state correctional beds associated with House Bill 2524, which adds the use of a firearm in the commission of a felony to the list of predicate crimes associated with gang activity. This funding is required to address the Woodrum impacts of the bill.)

Public Safety Subcommittee

Item 387 #7h

Public Safety

Department Of Corrections

Language

Language:

Page 418, after line 39, insert:

"M. The total amount of any commissions, lease payments, and other fees payable by the provider of telecommunications services to the Commonwealth or any agency or political subdivision thereof under the terms of a contract for the provision of any collect calling system or debit or prepaid telephone system operated for persons incarcerated in a state, local, or regional correctional facility in the Commonwealth that is entered into, renewed, or amended on or after July 1, 2007, shall not exceed, over the term of the contract, 10 percent of the amounts paid by the persons who use the service pursuant to the contract."

Explanation:

(This amendment limits the amount of profit that the Commonwealth, its agencies, or political subdivisions can make off the operations of inmate telephone systems entered into, renewed, or amended on or after July 1, 2007, to no more than 10 percent more than the cost that persons using the service pay. Currently, the amount of profit earned on these inmate telephone systems can be as much as 40 percent.)

Public Safety Subcommittee

Item 391 #3h

Public Safety

Department Of Criminal Justice
Services

FY 06-07

\$0

FY 07-08

\$2,679,517 GF

Language:

Page 419, line 30, strike "\$78,330,207" and insert "\$81,009,724".

Page 420, line 26, strike "\$500,000" and insert "\$3,179,517".

Explanation:

(This amendment provides \$2.7 million in the second year from the general fund to offset projected revenue shortfalls in the Virginia Victim-Witness Fund. The Virginia Victim-Witness Fund provides grants that support 102 local victim-witness programs, most of which are located in the offices of Commonwealth's attorneys. For most of these programs, which served 64,315 victims of crime in fiscal year 2006, the Virginia Victim-Witness Fund represents the sole means of their support. Funding for the Victim-Witness Fund is derived from a \$3 assessment on convicted offenders and grants received by the Department of Criminal Justice Services from the federal Victims of Crime Act.)

Public Safety Subcommittee

Item 391 #9h

Public Safety**FY 06-07****FY 07-08**

Department Of Criminal Justice
Services

\$0

(\$792,000) GF

Language:

Page 419, line 30, strike "\$78,330,207" and insert "\$77,538,207".

Page 419, line 33, strike "\$78,330,207" and insert "\$77,538,207".

Page 420, strike lines 43 through 53.

Explanation:

(This amendment eliminates the grants proposed in the introduced budget for the support of new local re-entry councils. These grants were to have been provided to the new local non-profit re-entry organizations for the provision of services to offenders. These services will be supported by the assumption of expired federal grants for similar organizations already in existence. The agency also has federal grant balances to use in supporting these existing local non-profit organizations.)

Public Safety Subcommittee

Item 391 #10h

Public Safety**FY 06-07****FY 07-08**

Department Of Criminal Justice
Services

\$0

(\$77,000) GF

Language:

Page 419, line 30, strike "\$78,330,207" and insert "\$78,253,207".

Page 419, line 33, strike "\$78,330,207" and insert "\$78,253,207".

Explanation:

(This amendment eliminates the additional general fund dollars included for the expansion of services for offenders returning to society to an area of the state not currently served. The remainder of the funding provided for these services totals \$900,000 and replaces lost federal grants. Given that services were not expanded to other communities through the creation of new local re-entry councils, consistency would indicate the assumption of a federal grant should not be used to expand services to a separate area.)

Public Safety Subcommittee

Item 391 #11h

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 421, after line 20, insert:

"3. The Department of Criminal Justice Services, in collaboration with the Department of Social Services, shall establish up to three pilot sites to determine the cost and feasibility of providing community-based probation services to respondents who are currently subject to commitment to jail for civil contempt for failure to pay child support. By October 1, 2008, the Department of Criminal Justice Services shall submit to the Chairmen of the House Appropriations and Senate Finance Committees a report on the cost and the feasibility of providing these services."

Explanation:

(This amendment provides authorization for the Department of Criminal Justice Services to establish up to three pilot sites for assessing the feasibility of establishing community probation for those persons currently civilly committed for failing to pay child support. The pilot is to determine whether community probation would ensure better compliance by providing both the opportunity to continue working and court supervision. The Department of Criminal Justice Services is to work with the Department of Social Services in developing the pilot sites.)

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 420, line 21, after "approve", insert:
", except in Roanoke County where using local funds,".

Explanation:

(This amendment provides authority to the Department of Criminal Justice Services to approve one new criminal justice academy to be located in Roanoke County, which is to be developed using local funds. The language does not provide any authority for the use of state funding in developing this criminal justice academy.)

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 422, line 43, after "Item," strike remainder of line.
Page 422, strike lines 44 through 46.
Page 422, line 47, strike "addition".
Page 422, line 49, after "Windsor.", strike the remainder of the line.
Page 422, strike lines 50 through 52.
Page 423, strike lines 1 through 5.

Explanation:

(This amendment eliminates the proposed redistribution of 40 percent of House Bill 599 funding to cities based upon their violent crime rates. This action continues the distribution of House Bill 599 according to the statutory formula currently in place. The amendment preserves the addition of the Town of Windsor to the distribution formula.)

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 423, line 13, after "C." insert "1."

Page 423, after line 18, insert:

"2. To ensure that state funding provided to localities operating police departments does not supplant local funding for public safety services, all localities shall annually certify to the Department of Criminal Justice Services the amount of funding provided by the locality to support public safety services and that the funding provided in this item was used to supplement that funding. This certification shall be provided in such manner and on such date as determined by the Department."

Explanation:

(This amendment requires that the localities receiving House Bill 599 funds annually certify the total amount of local support for public safety services and that House Bill 599 funds were used to supplement rather than supplant that local funding.)

Public Safety Subcommittee

Item 395 #4h

Public Safety**FY 06-07****FY 07-08**

Department Of Emergency
Management

\$0

(\$1,500,000) GF

Language:

Page 424, line 22, strike "\$40,341,189" and insert "\$38,841,189".

Page 424, line 41, strike "\$3,500,000" and insert "\$2,000,000".

Explanation:

(This amendment reduces a proposed general fund appropriation to create an evacuation facility grant program by \$1.5 million. The remaining \$2 million in funding is sufficient for the installation of generator hookups and other shelter preparedness needs.)

Public Safety Subcommittee

Item 395 #5h

Public Safety**FY 06-07****FY 07-08**

Department Of Emergency
Management

\$0 (\$370,000) GF

Language:

Page 424, line 22, strike "\$40,341,189" and insert "\$39,971,189".

Page 424, line 51, strike "\$690,000" and insert "\$320,000".

Page 425, line 4, after "Simulation,", insert "and".

Page 425, line 6, after "Center", insert "." and strike remainder of line.

Page 425, strike lines 7 and 8.

Explanation:

(This amendment eliminates \$20,000 provided in the introduced budget for a citizen preparedness survey and \$350,000 included in the introduced budget for a ReadyVirginia! public service campaign. Funding is maintained for the use of public radio and television public service advertisements that was included for the same purpose.)

Public Safety Subcommittee

Item 395 #6h

Public Safety

FY 06-07

FY 07-08

Department Of Emergency
Management

0.00

4.00 FTE

Language:

Explanation:

(This amendment provides 4.00 positions for the Department of Emergency Management that were inadvertently omitted from the introduced budget.)

Public Safety Subcommittee

Item 397 #1h

Public Safety

FY 06-07

FY 07-08

Department Of Emergency
Management

\$0

(\$250,000) GF

Language:

Page 425, line 34, strike "\$4,752,356" and insert "\$4,502,356".

Page 425, line 37, strike "\$4,752,356" and insert "\$4,502,356".

Page 425, strike line 45.

Page 425, line 46, strike "alerted of possible emergency situations; 2)".
Page 425, line 48, strike "3)" and insert "2)".

Explanation:

(This amendment eliminates \$250,000 proposed in the introduced budget for expansion of the citizen alert network. Citizen alert services are currently provided by a number of different services including the television emergency broadcasting system, radio, newsprint, and Internet.)

Public Safety Subcommittee

Item 406 #1h

Public Safety

Department Of Juvenile Justice

Language

Language:

Page 433, after line 3, insert:

"F. Beginning with the effective date of any agreement whereby Culpeper County becomes a member of a detention home commission, or signs an agreement with a local detention home, to house juveniles in detention as provided in § 16.1-248.1 or § 16.1-284.1, Code of Virginia, the existing memorandum of agreement between Culpeper County and the Department of Juvenile Justice, under which the Department currently houses Culpeper juveniles who are detained, shall be terminated. Culpeper County shall satisfy any amount owed the Department for any days during which it housed such juveniles on behalf of the County, but shall be forgiven any outstanding amount for guaranteed bed space which it did not utilize. The amount to be forgiven shall be certified by the Department, and the County shall apply an equal amount to the cost of joining a detention commission, or for providing alternative programs to detention, or both, over the five-year period following termination of the agreement with the Department. The County shall submit an audited statement to the department demonstrating the appropriate expenditure of such funds no later than June 30, 2012."

Explanation:

(This amendment provides for both the forgiveness of outstanding payments due the Department of Juvenile Justice from Culpeper County and the termination of an agreement between the department and Culpeper County for the use of beds at the Culpeper Juvenile Detention Center. The amendment provides that the county shall expend the amounts owed the department for the care and housing of local juvenile offenders over a five-year period and report on the expenditure of those amounts to the department.)

Public Safety Subcommittee

Item 406 #2h

Public Safety	FY 06-07	FY 07-08	
Department Of Juvenile Justice	\$0	(\$930,267)	GF

Language:

Page 431, line 44, strike "\$88,172,186" and insert "\$87,241,919".

Page 432, strike lines 51 through 55.

Page 432, line 56, strike "E." and insert "D."

Explanation:

(This amendment eliminates funding included in the introduced budget for additional juvenile correctional officers at the Hanover and Culpeper Juvenile Correctional Centers. Based upon the most recent forecast of the juvenile correctional facility population, the number of juveniles being committed to the Department of Juvenile Justice has declined significantly. Consequently, there is excess capacity in the juvenile correctional system.)

Public Safety Subcommittee

Item 412 #2h

Public Safety	FY 06-07	FY 07-08	
Department Of Military Affairs	\$0	\$266,217	GF

Language:

Page 434, line 37, strike "\$4,877,490" and insert "\$5,143,707".

Page 434, line 39, strike "\$1,949,735" and insert "\$2,215,952".

Explanation:

(This amendment provides funding for technical adjustments such as office space rent, eVA transaction fees, VITA computer charges, insurance premiums, and soldier recognition.)

Public Safety Subcommittee

Item 414 #3h

Public Safety	FY 06-07	FY 07-08	
Department Of State Police	\$0	\$792,481	NGF
	0.00	5.00	FTE

Language:

Page 436, line 38, strike "\$209,901,982" and insert "\$210,694,463".

Page 436, line 48, strike second "\$6,415,958" and insert "\$7,208,439".

Explanation:

(This amendment provides five additional nongeneral fund positions for the Department of State Police's Insurance Fraud Unit. These positions are supported by assessments currently received by the Department of State Police from insurance companies. The five positions include one supervisor and four special agents. The amendment has been proposed to address an increase in the number of calls for investigations by the insurance fraud unit.)
