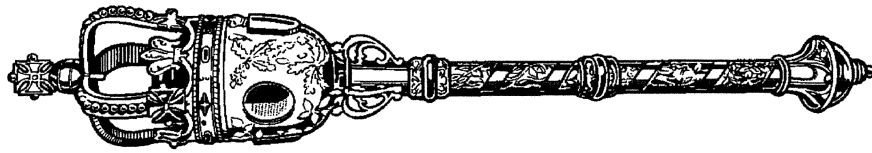


*Report of the
House Appropriations
Subcommittee*

on

Public Safety



*House Bill 29
&
House Bill 30*

February 17, 2008

REPORT OF THE SUBCOMMITTEE

on

PUBLIC SAFETY

Mr. Chairman and Members of the Committee:

As we reviewed the additional funding included for the Public Safety agencies in the introduced budget, this Subcommittee was guided by a realization that before establishing new programs or expanding existing programs, we had a responsibility to fulfilling our prior commitments. Consequently, the Subcommittee rejected a number of new discretionary spending items, including many that the members of this Subcommittee believed had considerable merit. In addition, the Subcommittee recommended a consolidation of some programs to improve services and lower costs.

Mr. Chairman, there are several issues the Subcommittee has recommended addressing. First, I am pleased to recommend the addition of \$2.9 million in each year of the new biennium to establish a "Wounded Warrior" program. This program, sponsored by Delegate Cox, will provide mental health and rehabilitation services to Virginia veterans, members of the Virginia National Guard, and Virginia residents in the Armed Forces Reserves suffering from post-traumatic stress disorders and traumatic brain injuries. Providing funding to assist the men and women who protect our liberties is a commitment I believe every member of the General Assembly can agree on.

In addition, the Subcommittee is recommending an additional \$2.6 million in the first year of the biennium to allow for the on-time opening of the Rappahannock Regional Jail and the Western Virginia Regional Jail. As proposed in the Governor's introduced budget, all regional and local jail projects were assumed to have a three-month construction delay.

In order to ensure that the benefits earned by our state troopers are maintained, the Subcommittee is recommending that rather than create

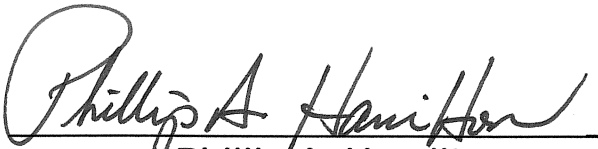
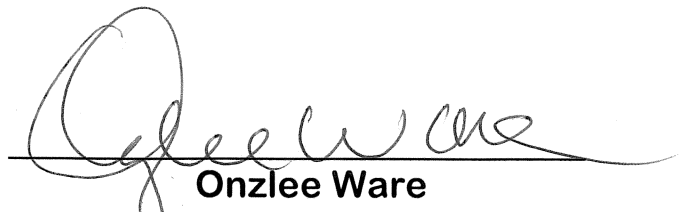
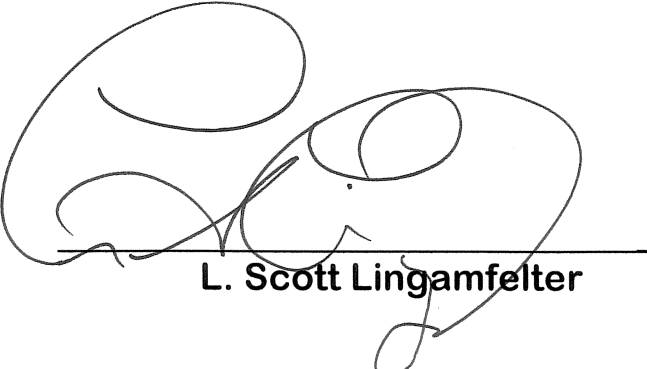
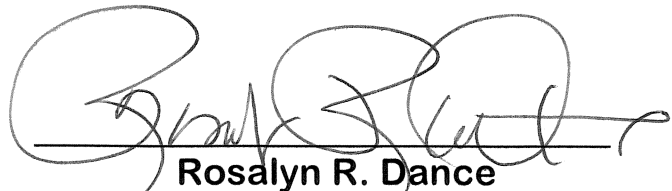
10 new troopers, as was proposed by the Governor, those dollars be used to provide overtime compensation to existing state troopers. This recommendation would provide just more than \$1 million the first year and about \$800,000 the second year for the payment of overtime compensation for these state troopers, which would result in between 11 and 19 additional officers able to patrol Virginia's highways.

Another commitment the Subcommittee believed we should address is the need for a minimum number of deputies in each Sheriff's Office. Currently, four Sheriff's offices – those located in Buena Vista, Emporia, Falls Church, and Norton – have only one deputy. Consequently, if the deputy is providing service of process, he cannot respond to courtroom security needs. If both the Sheriff and the deputy are providing courtroom security, then the papers required for the efficient operation of the justice system cannot be served. The Subcommittee is recommending the addition of \$129,526 the first year and \$145,819 the second year to ensure that all Sheriff's offices have at least two deputies.

Finally, Mr. Chairman, the Subcommittee rejected the Governor's proposed \$22 million additional reduction in House Bill 599 funding. Instead, the Subcommittee recommends using a portion of House Bill 599 funding for several important purposes, including \$1.2 million to increase funding for preventing Internet Crimes Against Children, \$2.2 million to continue support for the school resource officer program, \$3.0 million to support regional criminal justice academies, and payment of \$8.3 million in line of duty benefits to deceased and disabled local public safety officers and their families. The Subcommittee is also proposing to consolidate the services provided by the Commonwealth's Attorneys' Services Council within the Office of the Attorney General. I am pleased to say the Subcommittee was able to meet the Commonwealth's commitments without additional resources.

Mr. Chairman and fellow Committee members, I will now 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
Onzlee Ware
R. Steven Landes
Algie T. Howell, Jr.
L. Scott Lingamfelter
Rosalyn R. Dance

Budget Amendment Recommendations

<u>Amendment</u>	House Bill 29 <u>FY 2008</u>	2008-10 BIENNIAL TOTAL		
		General <u>Fund</u>	Nongeneral <u>Fund</u>	<u>FTE</u>

PUBLIC SAFETY

HB 29

Compensation Board

Jail Per Diem Balances (1,900,000)

Central Appropriations

DOC: Craigsville Wastewater Plant 1,000,000

Part 3: Transfers

DOC: Drug Assessment Fund 2,000,000

HB 30 (2008-10 Budget)

Office of the Attorney General

Consolidate C.A. Services Council 827,516 76,900 6.00

Compensation Board

Western Virginia Regional Jail 1,461,181

Western Virginia Regional Jail Language

Rappahannock Regional Jail 1,117,872

Minimum Number of Deputies 275,345

Operational Capacity of Jails Report Language

Treasury Board

Prince William-Manassas Reimbursement Language

Secretary of Public Safety

Incidence of Traumatic Brain Injury Language

Commonwealth's Attorneys' Services Cour

Consolidate Services in OAG (1,549,464) (76,900) (14.00)

Department of Corrections

Probation Transition Specialists (1,970,466) (20.00)

Direct Referral to Detention and Diversion Language

Southern Virginia Regional Jail Construction Language

Virginia Beach Work Release Center Language

Virginia Peninsula Regional Jail Expansion Language

Richmond City Jail Renovation Language

Charlotte County Jail Expansion Language

Chesapeake City Jail Expansion Language

Prince William-Manassas Jail Expansion Language

Inmate Education Program Language

Budget Amendment Recommendations

<u>Amendment</u>	House Bill 29 <u>FY 2008</u>	2008-10 BIENNIAL TOTAL		
		General <u>Fund</u>	Nongeneral <u>Fund</u>	<u>FTE</u>
Expansion of Chaplain Services		-	225,000	
Habitual Technical Violator Center		(413,675)	-	
Therapeutic Incarceration Pilot Program		Language		
Prison Transition Centers		(1,356,915)	-	
DOC-Culpeper County Land Transfer		Language		
HB 931: Methamphetamine Distribution		260,310	-	
HB 966: ABC Agents		(54,101)	-	
DOC Exemption from AARB Review		Language		
Craigsville Wastewater Treatment Plant		(1,522,469)	-	
Department of Criminal Justice Services				
Public Safety Memorial Planning		-	-	
HB 599: Criminal Justice Academies		(2,202,202)	-	
HB 599: School Resource Officers		(2,980,000)	-	
HB 599: Line of Duty Act		Language		
HB 599: Internet Crimes Task Forces		Language		
Department of Emergency Management				
Unnecessary Civil Air Patrol Funding		(200,000)	-	
Level Fund IFLOWS Warning System		(375,000)	-	
Department of Fire Programs				
School Inspections		Language		
Department of Forensic Science				
Notification of DNA Evidence		Language		
Preparation for Criminal Case Testimony		Language		
Department of Juvenile Justice				
Correct Transitional Program Language		Language		
Non-Capital Facility Costs		(200,000)		
Department of Military Affairs				
Commonwealth Challenge		506,080		
Department of State Police				
Pharmacy Disposal Program		100,000		
Helicopter Debt Service Use		Language		
Overtime Compensation		-	-	(20.00)
Department of Veterans Services				
Military Survivors and Dependents Program		Language		

Budget Amendment Recommendations

<u>Amendment</u>	House Bill 29 FY 2008	2008-10 BIENNIAL TOTAL		
		General Fund	Nongeneral Fund	FTE
Wounded Warrior Program		5,879,822	-	
Part 2: Capital Outlay				
DOC: Craigsville Wastewater Plant		-	2,522,469	
Part 3: Miscellaneous Transfers				
Hazardous Materials Line of Credit		Language		
Total: HB 30		(2,396,166)	2,747,469	(48.00)

Amendments to House Bill 29, as Introduced

Public Safety Subcommittee

Item 60 #1h

Administration

FY 06-07

FY 07-08

Compensation Board

\$0

(\$1,900,000) GF

Language:

Page 24, line 24, strike "\$85,589,327" and insert "\$83,689,327".

Explanation:

(This amendment reduces the appropriation for the payment of jail per diems in FY 2008. The Compensation Board is expected to have \$1.9 million in balances at year end from its per diem accounts.)

Public Safety Subcommittee

Item 455.4 #3h

General Conditions

Central Appropriations

Language

Language:

"455.4. Miscellaneous Reversion Clearing
Account (XXXXXX) Designated Reversions
from Department of Corrections Balances

"The Director, Department of Planning and Budget, shall revert to the general fund from the Department of Corrections an amount equal to \$1,000,000, representing the unspent appropriation from paragraph K.1. of Item 387 of Chapter 847 of the 2007 Acts of Assembly."

Explanation:

(This amendment captures \$1,000,000 in unspent appropriations for the Commonwealth's share of the costs of constructing a wastewater treatment plant for the Town of Craigsville. No portion of this appropriation has been spent, because the Department of Corrections and the Town of Craigsville have not finalized a contract for the Augusta Correctional Center's future usage of the facility. The general fund appropriation reverted to the general fund will be replaced with bond proceeds contained in House Bill 30. This is one of two amendments capturing the general fund proceeds from this project. Capturing these general fund appropriations was a recommendation contained in the Governor's budget reduction plan issued February 12, 2008.)

Amendments to House Bill 29, as Introduced

Public Safety Subcommittee

Item 3-1.01 #2h

Transfers

Interfund Transfers

Language

Language:

Page 259, after line 38, insert:

"MM. On or before June 30, 2008, the State Comptroller shall transfer an amount estimated at \$2,000,000 from the Drug Assessment and Treatment Fund maintained by the Department of Corrections to the general fund."

Explanation:

(This amendment captures the year-end balances in the Drug Assessment and Treatment Fund maintained by the Department of Corrections. The Department of Corrections uses the proceeds in this fund to assess the substance abuse problems of inmates and offenders on probation and parole. The source of the revenue for the Drug Assessment and Treatment Fund is a portion of court costs and fees. The Department of Corrections has an appropriation for the use of about \$1.2 million from the fund to support substance abuse assessment positions. However, for the last two years the amount of revenue flowing into the fund has exceeded projections. The Governor recommended using these excess revenues to address the Commonwealth's budget shortfall in his budget reduction plan issued on February 12, 2008.)

Amendments to House Bill 30, as Introduced

Public Safety Subcommittee

Item 56 #4h

Executive Offices	FY 08-09	FY 09-10	
Attorney General And Department	\$413,758	\$413,758	GF
Of Law	\$38,450	\$38,450	NGF
	3.00	3.00	FTE

Language:

Page 32, line 34, strike "\$29,728,459" and insert "\$30,180,667".

Page 32, line 34, strike "\$29,716,133" and insert "\$30,168,341".

Page 33, after line 37, insert:

"E. Out of the amounts appropriated in this item, \$413,758 and three positions the first year and \$413,758 and three positions the second year from the general fund, and \$38,450 the first year and \$38,450 the second year in nongeneral fund revenue, to be generated by some fees for various services rendered, is provided to the Office of the Attorney General to provide the prosecutorial training, technical assistance, and other services to Commonwealth's Attorneys that were previously provided by the Commonwealth's Attorney's Services Council."

Explanation:

(This amendment provides additional general fund and nongeneral fund support to the Office of the Attorney General to provide training, technical assistance, and other sources to Commonwealth's Attorneys. These functions were previously performed by the Commonwealth's Attorney's Services Council. A companion amendment consolidates that agency here. The Office of the Attorney General is currently responsible for defending criminal convictions on appeal as well as defending Virginia when prisoners sue the Commonwealth regarding their convictions. Having the Attorney General responsible for training Commonwealth's Attorneys could improve performance and reduce the need for subsequent appellate defense work.)

Public Safety Subcommittee

Item 69 #2h

Administration	FY 08-09	FY 09-10	
Compensation Board	\$1,461,181	\$0	GF

Language:

Page 42, line 39, strike "\$412,516,288" and insert "\$413,977,469".

Page 46, after line 35, insert:

Amendments to House Bill 30, as Introduced

"M. Out of the amounts appropriated for Financial Assistance for Regional Jail Operations, \$1,461,181 the first year from the general fund is provided to the Western Virginia Regional Jail Authority to provide funding for this facility, which is expected to begin housing prisoners on March 9, 2009."

Explanation:

(This amendment provides funding for the Western Virginia Regional Jail to begin operations on March 9, 2009, as scheduled. The facility will begin accepting prisoners on that date.)

Public Safety Subcommittee

Item 69 #11h

Administration

FY 08-09

FY 09-10

Compensation Board

\$1,178,494

(\$60,622) GF

Language:

Page 42, line 39, strike "\$412,516,288" and insert "\$413,694,782".

Page 42, line 39, strike "\$428,128,258" and insert "\$428,067,636".

Explanation:

(This amendment provides funding to support the additional staff required for the Rappahannock Regional Jail expansion project that is scheduled to open in two stages, the first phase opening in August, 2008 and a second phase opening in July, 2009. This expansion will increase the current 592 beds available by an additional 432 beds, bringing the total available beds to 1,024 by July, 2009. The Governor's Budget Bill provides funding and positions based on an estimated opening date of May 2009 for the entire facility – this amendment provides the additional 9 months of funds needed for 53 FTE necessary to staff the first stage of completion in August 2008.)

Public Safety Subcommittee

Item 69 #15h

Administration

FY 08-09

FY 09-10

Compensation Board

\$129,526

\$145,819 GF

Language:

Page 42, line 39, strike "\$412,516,288" and insert "\$412,645,814".

Page 42, line 39, strike "\$428,128,258" and insert "\$428,274,077".

Amendments to House Bill 30, as Introduced

Page 46, after line 35, insert:

"M. Notwithstanding the provisions of Item 76, paragraph F. of this act, any new court services deputy positions established in Item 76, paragraph B.1. of this act for Sheriffs shall be allocated by the Compensation Board first to ensure a minimum of two deputy sheriff positions are provided in each sheriff's office in the Commonwealth. Positions allocated to meet these minimum requirements shall be allocated by the Compensation Board upon request of the Sheriff in priority of need order in accordance with established staffing standards."

Explanation:

(The Sheriff's offices in the cities of Buena Vista, Norton, Falls Church and Emporia each have only one Compensation Board funded deputy sheriff and are unable to meet court security, service of process and other duties in a timely manner. The funding and language provided in this amendment, in conjunction with a companion amendment for positions to Item 76, will provide for minimum established staffing levels for Sheriffs and a total of four positions for the affected offices.)

Public Safety Subcommittee

Item 76 #2h

Administration

Compensation Board

Language

Language:

Page 61, line 2, strike "10,393" and insert "10,556".

Explanation:

(This amendment provides 163 additional positions the first year for the operations of the Western Virginia Regional Jail, which will open on March 9, 2009.)

Public Safety Subcommittee

Item 76 #9h

Administration

Compensation Board

Language

Language:

Page 64, after line 38, insert:

"T. The Compensation Board, in conjunction with the Office of the Secretary of

Amendments to House Bill 30, as Introduced

Public Safety, the Department of Corrections, and the Department of Criminal Justice Services, shall report on the feasibility and resource requirements to review the operational capacity and staffing needs of each local and regional jail facility in the Commonwealth. The report shall include requirements to complete such a review within a two-year period, to develop a standard for the establishment of operational capacity based upon facility design standards, and to establish a baseline staffing standard for each facility and a standard to accomodate growth in inmate populations in excess of established capacities. The report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2008."

Explanation:

(This amendment provides language for the development of a plan to review and assess all local and regional jail facilities in terms of appropriate inmate operating capacity and appropriate staffing levels for operation under capacity and under overcrowding conditions.)

Public Safety Subcommittee

Item 280 #2h

Finance

Treasury Board

Language

Language:

Page 244, after line 43, insert:

"Reimbursement may be made in two installments, the first following completion of the 200-bed expansion, and the second following completion of the renovation of the main jail facility."

Explanation:

(This amendment provides authority for the reimbursement of the Prince William-Manassas Regional Adult Detention Center's jail expansion in two phases: the first, following the completion of a 200-bed addition, and the second, following completion of the renovation of the existing main jail facility.)

Public Safety Subcommittee

Item 381 #1h

Public Safety

Secretary Of Public Safety

Language

Amendments to House Bill 30, as Introduced

Language:

123Page 350, after line 30, insert:

"C. The Secretary shall provide a report regarding the incidence of traumatic brain injury present in the adult and juvenile offender populations to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2008."

Explanation:

(This amendment requires the Secretary of Public Safety to provide a report to the Chairmen of the House Appropriations and Senate Finances Committees regarding the number of state prison inmates and youth in the custody of the Department of Juvenile Justice on the prevalence of traumatic brain injuries in these populations.)

Public Safety Subcommittee

Item 382 #1h

Public Safety	FY 08-09	FY 09-10	
Commonwealth's Attorneys'	(\$774,732)	(\$774,732)	GF
Services Council	(\$38,450)	(\$38,450)	NGF
	-7.00	-7.00	FTE

Language:

Page 350, line 37, strike "\$813,182" and insert "\$0".

Page 350, line 37, strike "\$813,182" and insert "\$0".

Page 350, strike lines 35 through 49.

Page 351, strike lines 1 through 5.

Explanation:

(This amendment consolidates the Commonwealth's Attorneys' Services Council into the Office of the Attorney General. A companion amendment provides funding to the Office of the Attorney General to assume the responsibility for providing prosecutorial training, technical assistance, and dissemination of information to Commonwealth's Attorneys. The Office of the Attorney General is responsible for defending criminal convictions on appeal as well as defending Virginia when prisoners sue the Commonwealth regarding their convictions.)

Public Safety Subcommittee

Item 387 #1h

Public Safety	FY 08-09	FY 09-10	
Department Of Corrections	(\$855,593)	(\$1,114,873)	GF
	-10.00	-10.00	FTE

Amendments to House Bill 30, as Introduced

Language:

Page 352, line 44, strike "\$87,536,852" and insert "\$86,681,259".

Page 352, line 44, strike "\$87,796,132" and insert "\$86,681,259".

Page 353, strike lines 38 through 52.

Explanation:

(This amendment eliminates the funding and positions associated with the creation of probation and parole transitional specialists that would work with offenders leaving state correctional centers and returning to the Richmond and Hampton Roads areas. Given the decline in available general fund resources, this biennium is not the appropriate time to initiate new state services.)

Public Safety Subcommittee

Item 387 #2h

Public Safety

Department Of Corrections

Language

Language:

Page 353, strike lines 14 through 37.

Explanation:

(This amendment eliminates the ability of probation and parole to directly refer probation violators to diversion and detention centers.)

Public Safety Subcommittee

Item 388 #1h

Public Safety

Department Of Corrections

Language

Language:

Page 354, strike lines 34 through 48, and insert:

"f. The Southern Virginia Regional Jail Authority, in order to proceed in planning a new regional jail facility."

Explanation:

(This is a technical amendment that eliminates unnecessary language regarding the efficacy of establishing a regional jail for the Counties of Patrick and Henry and the City of Martinsville. In addition, the amendment substitutes the adopted title for the regional jail authority instead of referring to the individual localities.)

Amendments to House Bill 30, as Introduced

Public Safety Subcommittee

Item 388 #2h

Public Safety

Department Of Corrections

Language

Language:

Page 354, after line 48, insert:

"g. The City of Virginia Beach, for a minimum-security work release center that will be planned as a multi-use facility. In addition to serving as a work release center, this facility would be available to serve as a secure and isolated regional quarantine facility for treatment of infected persons, when requested by the Governor in the event of a pandemic or similar medical emergency."

Explanation:

(This amendment authorizes the City of Virginia Beach to move forward through the statutory planning process to request approval of the State Board of Corrections for a jail construction project for a work release center that would also serve a dual purpose as a regional quarantine facility.)

Public Safety Subcommittee

Item 388 #3h

Public Safety

Department Of Corrections

Language

Language:

Page 354, after line 48, insert:

"g. Notwithstanding the provisions of §§ 53.1-80 through 53.1-82, Code of Virginia, the Virginia Peninsula Regional Jail Authority, in order to proceed in planning for an expansion of the existing regional jail facility, may submit the required community-based corrections plan, facility specifications, and expected construction and other project costs to the Board of Corrections for review prior to March 1, 2008. Furthermore, the Governor may include a recommendation for funding such project for consideration by the General Assembly at its 2009 Session."

Explanation:

(This amendment provides an exemption from the moratorium on new jail construction and expansion projects for the Virginia Peninsula Regional Jail Authority to expand its current regional jail facility and to submit the required

Amendments to House Bill 30, as Introduced

planning documents to the Board of Corrections for review and possible inclusion in the budget submitted by the Governor to the General Assembly for consideration during its 2009 Session.)

Public Safety Subcommittee

Item 388 #5h

Public Safety

Department Of Corrections

Language

Language:

Page 354, after line 48, insert:

"g. Powhatan and Gloucester counties and the City of Richmond, in order to proceed in planning for a regional jail. However, the City of Richmond is also exempted in order to proceed with replacement of its existing jail facility. Included within the required submissions to the Department of Corrections from the City of Richmond shall be a report indicating the costs and benefits to the city and the Commonwealth, including a comparative analysis of the long-term operating costs of a regional jail versus a local jail, and documentation that the city has determined whether or not there is interest in creating a regional jail with the County of Powhatan and the County of Gloucester, or interest from other localities or regional authorities."

Explanation:

(This amendment provides an exemption from the moratorium on local jail construction and expansion projects for the City of Richmond. Included in the amendment is also authorization for an exemption from the jail construction and expansion moratorium for a regional jail involving the City of Richmond and the counties of Powhatan and Gloucester. The amendment requires the City of Richmond to report to the Department of Corrections what the costs and benefits would be to both the city and the Commonwealth depending upon whether a regional jail or local jail is constructed. This report is also to be used to determine if Powhatan and Gloucester are truly interested in the development of a regional jail located in the City of Richmond.)

Public Safety Subcommittee

Item 388 #6h

Public Safety

Department Of Corrections

Language

Language:

Amendments to House Bill 30, as Introduced

Page 354, after line 48, insert:

"g. The County of Charlotte, in order to proceed in planning for an expansion to the existing local jail facility."

Explanation:

(This amendment provides the County of Charlotte an exemption to the moratorium on local and regional jail construction projects.)

Public Safety Subcommittee

Item 388 #7h

Public Safety

Department Of Corrections

Language

Language:

Page 354, after line 48, insert:

"g. The City of Chesapeake, in order to proceed in planning for an expansion to the existing local jail facility."

Explanation:

(This amendment provides the City of Chesapeake an exemption to the moratorium on local and regional jail construction projects.)

Public Safety Subcommittee

Item 388 #8h

Public Safety

Department Of Corrections

Language

Language:

Page 354, after line 48, insert:

"g. The Prince William-Manassas Regional Jail, in order to proceed in planning for an expansion to the existing adult detention center."

Explanation:

(This amendment provides the Prince William-Manassas Regional Jail an exemption to the moratorium on local and regional jail construction projects.)

Public Safety Subcommittee

Item 390 #1h

Public Safety

Amendments to House Bill 30, as Introduced

Department Of Corrections

Language

Language:

Page 360, after line 6, insert:

"J. The Department of Corrections and the Department of Correctional Education shall, in partnership with Liberty University, develop a self-contained, computer-based program providing remedial secondary and general education diploma instruction, remedial college course instruction, and post-secondary instruction to offenders to improve their ability to reenter society upon their release from secure confinement. This self-contained, computer-based program shall include the capacity for differentiated learning and shall be established on a pilot basis at the Green Rock Correctional Center using computers and equipment provided by the Department of Correctional Education and Liberty University by September 1, 2008. The Department of Corrections and the Department of Correctional Education shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees, including the types of offenders participating in this program, the educational progress that has been by program participants, any post-secondary credits participants may have earned, any disciplinary actions taken against program participants, and whether such a program could be replicated for use in other correctional facilities, by July 1, 2009."

Explanation:

(This amendment requires the Departments of Corrections and Correctional Education, in partnership with Liberty University, to develop a computer-based program of remedial, secondary, and post-secondary education for implementation by September 1, 2008. The program is to be self-contained, meaning instruction may not involve the use of the internet by offenders, and the program will be implemented on a pilot basis at Green Rock Correctional Center. The agencies are also directed to report to the House Appropriations and Senate Finance Committees on the types of offenders participating in the program, their educational progress, and whether the program can be replicated in other correctional centers.)

Public Safety Subcommittee

Item 390 #4h

Public Safety

FY 08-09

FY 09-10

Department Of Corrections

\$0

\$225,000 NGF

Language:

Page 356, line 42, strike "\$914,929,668" and insert "\$915,154,668".

Amendments to House Bill 30, as Introduced

Page 357, line 10, strike the second "\$600,000" and insert "\$825,000".

Explanation:

(This amendment provides additional nongeneral fund revenue derived from prison commissary operations for to provide faith-based services in accordance with the federal Religious Land Use and Institutionalized Persons Act. The additional funding will be used to provide faith-based services at new state correctional centers coming opening during this biennium.)

Public Safety Subcommittee

Item 390 #5h

Public Safety

Department Of Corrections

FY 08-09

(\$177,292)

FY 09-10

(\$236,383) GF

Language:

Page 356, line 42, strike "\$914,521,739" and insert "\$914,344,447".

Page 356, line 42, strike "\$914,929,668" and insert "\$914,693,285".

Page 358, strike lines 2 through 49.

Explanation:

(This amendment eliminates general fund support for the creation of a habitual technical violator center on a pilot basis for use with offenders who would have been returned to prison for technical violations of the terms of their probation rather than a conviction for the commission of a new offense. Given the decline in general fund revenue, this biennium is not the time to create new programs.)

Public Safety Subcommittee

Item 390 #6h

Public Safety

Department Of Corrections

Language

Language:

Page 359, strike lines 21 through 59.

Page 360, strike lines 1 through 6.

Explanation:

(This amendment eliminates the therapeutic incarceration program pilot project proposed in the introduced budget.)

Amendments to House Bill 30, as Introduced

Public Safety Subcommittee

Item 390 #7h

Public Safety	FY 08-09	FY 09-10	
Department Of Corrections	(\$595,521)	(\$761,394)	GF
	-12.00	-12.00	FTE

Language:

Page 356, line 42, strike "\$914,521,739" and insert "\$913,926,218".

Page 356, line 42, strike "\$914,929,668" and insert "\$914,168,274".

Page 358, strike lines 50 through 57.

Page 359, strike lines 1 through 20.

Explanation:

(This amendment eliminates a new program providing for the establishment of three 100-bed prison transition centers providing cognitive restructuring programming and discharge planning services for offenders with less than 12 months to serve before re-entering society. Given the decline in general fund revenues, available general fund dollars have not generally been directed to the establishment of new programs.)

Public Safety Subcommittee

Item 391 #1h

Public Safety

Department Of Corrections

Language

Language:

Page 362, after line 56, insert:

"J. The Commonwealth of Virginia shall convey 45 acres (more or less) of property, being a portion of Culpeper County Tax Map No. 75, parcel 32, lying in the Cedar Mountain Magisterial District of Culpeper County, Virginia, in consideration of the County's construction of water capacity and service line(s) adequate to serve the needs of the Department of Corrections Coffeewood Facility and the Department of Juvenile Justice's Culpeper Juvenile Correctional Facility (hereinafter "the facilities"). The cost of the water improvements necessary to serve the Department of Corrections' facilities, including an 8-inch water service line, and including engineering and land/easement acquisition costs, shall be paid by the Commonwealth, less and except (i) the value of the property for the jail conveyed by the Commonwealth to the County (\$150,382.00, based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of the water service line

Amendments to House Bill 30, as Introduced

from 8 inches to 12 inches, in order to accommodate planned county needs."

Explanation:

(This amendment provides for the transfer of about 45 acres owned by the Department of Corrections to Culpeper County in exchange for additional water and sewer capacity for both the Department of Corrections' Coffeewood Correctional Center and the Department of Juvenile Justice's Culpeper Juvenile Correctional Facility.)

Public Safety Subcommittee

Item 391 #2h

Public Safety

FY 08-09

FY 09-10

Department Of Corrections

\$260,310

\$0 GF

Language:

Page 360, line 7, strike "\$77,806,935" and insert "\$78,067,245".

Page 362, after line 56, insert:

"J. Included in the appropriation for Administrative and Support Services is \$260,310 the first year from the general fund for the estimated net increase in the operating costs of adult correctional centers resulting from the enactment of House Bill 931 of the 2008 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 \$260,310 the first year from the general fund to fund the costs associated with House Bill 391, which establishes mandatory minimum prison sentences for the manufacture, sale, or distribution of methamphetamine. The amendment includes sufficient funding to accomodate the legislation's projected impact on the number of prisoners housed by the Department of Corrections and is deposited into the Corrections Special Reserve Fund for use in making capital improvements to state correctional centers.)

Public Safety Subcommittee

Item 391 #5h

Public Safety

FY 08-09

FY 09-10

Department Of Corrections

(\$54,101)

\$0 GF

Language:

Amendments to House Bill 30, as Introduced

Page 360, line 7, strike "\$77,806,935" and insert "\$77,752,834".

Explanation:

(This amendment eliminates the general fund appropriation contained in the Governor's introduced budget to account for the Woodrum impact of legislation regarding the assault of an ABC agent. The legislation was not approved.)

Public Safety Subcommittee

Item 391 #6h

Public Safety

Department Of Corrections

Language

Language:

Page 362, after line 56, insert:

"J. Notwithstanding any requirement to the contrary, any building, fixture, or structure to be placed, erected or constructed on, or removed or demolished from the property of the Commonwealth of Virginia under the control of the Department of Corrections shall not be subject to review and approval by the Art and Architectural Review Board as contemplated by § 2.2-2402, Code of Virginia. However, if the Department of Corrections seeks to construct a facility that is not a secure correctional facility or a structure located on the property of a secure correctional facility, then the Department of Corrections shall submit that structure to the Art and Architectural Review Board for review and approval by that board. Such other structures could include a probation and parole office, a probation and parole district office, or a regional office."

Explanation:

(This amendment provides the Department of Corrections with an exemption from Art and Architectural Review Board review and approval requirements for the construction of secure correctional facilities and structures built on the property of the department's state correctional centers. This change was proposed by the Art and Architectural Review Board, and agreed to by the Department of General Services. Should the agency seek to build any other type of structure -- a probation and parole office or a district or regional office -- the agency would be required to submit the plans for those structures to the Art and Architectural Review Board)

Public Safety Subcommittee

Item 391 #7h

Amendments to House Bill 30, as Introduced

Public Safety	FY 08-09	FY 09-10	
Department Of Corrections	\$0	(\$1,522,469)	GF

Language:

Page 360, line 7, strike "\$79,275,303" and insert "\$77,752,834".

Page 361, strike lines 18 through 54.

Explanation:

(This amendment eliminates the general fund dollars for the Commonwealth's share of the construction of a wastewater treatment plant for the Town of Craigsville. These general fund dollars will be replaced with bonding authority as proposed by the Governor in his budget reduction plan released on February 12, 2008. To date, none of the general fund dollars have been spent, because the Department of Corrections and the Town of Craigsville have not finalized a contract for the provision of wastewater services to the Augusta Correctional Center, which would be the largest customer of the town's wastewater treatment plant.)

Public Safety Subcommittee

Item 395 #8h

Public Safety	FY 08-09	FY 09-10	
Department Of Criminal Justice Services	(\$45,000)	\$45,000	GF

Language:

Page 363, line 40, strike "\$81,939,599" and insert "\$81,894,599".

Page 363, line 40, strike "\$81,894,599" and insert "\$81,939,599".

page 366, line 20, strike "first" and insert "second".

Explanation:

(This amendment defers planning for the Virginia Public Safety Memorial to the second year of the biennium.)

Public Safety Subcommittee

Item 395 #9h

Public Safety	FY 08-09	FY 09-10	
Department Of Criminal Justice Services	(\$1,101,101)	(\$1,101,101)	GF

Language:

Amendments to House Bill 30, as Introduced

Page 363, line 40, strike "\$81,939,599" and insert "\$80,838,498".

Page 363, line 40, strike "\$81,894,599" and insert "\$80,793,498".

Page 364, line 29, after "academies." insert:

"The general fund amounts provided in this paragraph shall be paid from the amounts appropriated in Item 397."

Explanation:

(This amendment captures the general fund dollars support regional criminal justice training academies and makes those general fund dollars payable from other general fund resources appropriated to this agency.)

Public Safety Subcommittee

Item 395 #10h

Public Safety

FY 08-09

FY 09-10

Department Of Criminal Justice
Services

(\$1,490,000)

(\$1,490,000) GF

Language:

Page 363, line 40, strike "\$81,939,599" and insert "\$80,449,599".

Page 363, line 40, strike "\$81,894,599" and insert "\$80,404,599".

Page 365, line 56, after "schools.", insert:

"The general fund amounts contained in this paragraph shall be paid from general appropriations included in Item 397 of this Act."

Explanation:

(This amendment captures the general fund dollars supporting school resource officer incentive grants. The general fund dollars for these incentive grants shall be paid from other general fund appropriations provided to the Department of Criminal Justice Services.)

Public Safety Subcommittee

Item 397 #22h

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 367, after line 30, insert:

"E. Out of the amounts appropriated for this item, \$3,971,897 the first year and

Amendments to House Bill 30, as Introduced

\$4,426,897 the second year from the general fund is transferred for payment of costs associated with the health benefits provided in Item 267 for deceased and disabled public safety officers."

Explanation:

(This amendment provides general fund support for the health benefits paid to deceased and disabled public safety officers and their families. About 65 percent of the benefits provided for the Line of Duty Act are provided to local government employees.)

Public Safety Subcommittee

Item 397 #23h

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 367, after line 30, insert:

"E. Out of the amounts appropriated for this item, \$1,250,000 the first year shall be provided for the operations of the Southern Virginia Internet Crimes Against Children Task Force and the Northern Virginia Internet Crimes Against Children Task Force to expand the regional operations of these two task forces. Of the total amount provided, \$750,000 shall be distributed to the Bedford County Sheriff's Office for the operation of the Southern Virginia Internet Crimes Against Children Task Force and \$500,000 shall be distributed to the Virginia State Police for the operation of the Northern Virginia-Washington, D.C., Internet Crimes Against Children Task Force."

Explanation:

(This amendment provides funding for the expansion of the services provided by the Southern Virginia and Northern Virginia Internet Crimes Against Children Task Forces operated by the Bedford County Sheriff's Office and the Virginia State Police, respectively. The source of the funds for this amendment is existing general fund dollars appropriated for law enforcement operations in Item 397.)

Public Safety Subcommittee

Item 399 #1h

Public Safety

Department Of Emergency

FY 08-09
(\$100,000)

FY 09-10
(\$100,000) GF

Amendments to House Bill 30, as Introduced

Management

Language:

Page 367, line 46, strike "\$28,035,244" and insert "\$27,935,244".

Page 367, line 46, strike "\$27,749,656" and insert "\$27,649,656".

Explanation:

(This amendment captures the general fund dollars that were previously used to support the Civil Air Patrol. The Governor's introduced budget reassigned the responsibility for supporting the Civil Air Patrol to the Department of Aviation, which will support the Civil Air Patrol using nongeneral fund resources. However, no where in the Governor's introduced budget or the Governor's October 2007 budget reduction plan was the general fund support that had been provided by the Department of Emergency Management captured.)

Public Safety Subcommittee

Item 401 #1h

Public Safety

Department Of Emergency
Management

FY 08-09

(\$187,500)

FY 09-10

(\$187,500) GF

Language:

Page 368, line 42, strike "\$3,210,367" and insert "\$3,022,867".

Page 368, line 42, strike "\$3,210,367" and insert "\$3,022,867".

Page 368, line 49, strike "\$387,500" and insert, "\$200,000".

Page 368, line 50, strike "\$387,500" and insert "\$200,000".

Explanation:

(This amendment levels funds the IFLOWS flood warning system at its current \$200,000 per year level.)

Public Safety Subcommittee

Item 407 #1h

Public Safety

Department Of Fire Programs

Language

Language:

Page 371, after line 2, insert:

"The State Fire Marshall may charge no fee for any permits or inspections of any

Amendments to House Bill 30, as Introduced

school, whether it be public or private."

Explanation:

(This amendment eliminates the inspection fees the State Fire Marshall has been charging schools, whether public or private, for the administration and enforcement of the Fire Prevention Code. In localities that choose not to enforce any of the Fire Prevention Code or only select provisions of the Fire Prevention Code, the State Fire Marshall is authorized to enforce either the entire Fire Prevention Code or those portions the locality has decided it will not enforce. The Code of Virginia permits the State Fire Marshall to charge a fee to recover the costs of administering and enforcing the Fire Prevention Code in those localities.)

Public Safety Subcommittee

Item 408 #1h

Public Safety

Department Of Forensic Science

Language

Language:

Page 371, beginning of line 19, insert "A."

Page 371, after line 22, insert:

"B. The Board of Forensic Science shall ensure that all individuals who were convicted due to criminal investigations, for which its case files for the years between 1973 and 1988 were found to contain evidence possibly suitable for DNA testing, are informed of that such evidence exists and is available for testing. To effectuate this requirement, the Board shall prepare two form letters, one sent to each person whose evidence was tested, and one sent to each person whose evidence was not tested. Copies of each such letter shall be sent to the Chairman of the Board of Forensic Science and to the respective Chairmen of the House and Senate Committees for Courts of Justice. The Department of Corrections shall assist the Board in effectuating this requirement by providing the addresses for all such persons to whom letters shall be sent, whether currently incarcerated, on probation, or on parole. In cases where the current address of the person cannot be ascertained, the Department of Corrections shall provide the last known address. The Chairman of the Board of Forensic Science shall report on the progress of this notification process at each meeting of the Board of Forensic Science."

Explanation:

(This amendment requires the Board of Forensic Science to notify all persons convicted of crimes in the Commonwealth for which former employees of the Department of Forensic Science or its predecessor agencies kept biological evidence

Amendments to House Bill 30, as Introduced

in order to permit those persons to have that evidence tested and determine if it might exonerate them of the crime or crimes for which they were convicted.)

Public Safety Subcommittee

Item 408 #3h

Public Safety

Department Of Forensic Science

Language

Language:

Page 371, line 19, before "Out", insert "A."

Page 371, after line 22, insert:

"B. Persons employed by the Department of Forensic Science who have been requested to provide testimony in criminal cases shall examine any forensic reports produced by independent forensic laboratories and be capable of discussing the results of those forensic reports with Commonwealth's Attorneys and law-enforcement officials prior to providing any testimony in the criminal case for which their testimony was requested."

Explanation:

(This amendment requires employees of the Department of Forensic Science who have been requested to provide testimony in criminal cases to have read any forensic reports prepared by independent forensic laboratories and to be capable of discussing the results of those forensic reports with Commonwealth's Attorneys, law-enforcement officials, and when providing their testimony in the case in which they were requested to appear.)

Public Safety Subcommittee

Item 412 #1g

Public Safety

Department Of Juvenile Justice

Language

Language:

Page 374, line 31, strike "\$450,073" and insert "\$838,696".

Page 374, line 33, strike "\$450,073" and insert "\$838,696".

Explanation:

(This amendment corrects the reference to the amount appropriated to the agency to contract for the operation of a juvenile transitional program at two cottages at the Beaumont Juvenile Correctional Center.)

Amendments to House Bill 30, as Introduced

Public Safety Subcommittee

Item 413 #1h

Public Safety	FY 08-09	FY 09-10	
Department Of Juvenile Justice	(\$100,000)	(\$100,000)	GF

Language:

Page 375, line 4, strike "\$16,422,075" and insert "\$16,322,075".

Page 375, line 4, strike "\$16,422,075" and insert "\$16,322,075".

Explanation:

(This amendment eliminates funding for activities such as updating the Department of Juvenile Justice's master plan, developing a building assessment inventory, locating and mapping utilities, and other functions that are not permitted to be included as capital expenses.)

Public Safety Subcommittee

Item 415 #1h

Public Safety	FY 08-09	FY 09-10	
Department Of Military Affairs	\$253,040	\$253,040	GF

Language:

Page 375, line 31, strike "\$3,944,271" and insert "\$4,197,311".

Page 375, line 31, strike "\$3,944,271" and insert "\$4,197,311".

Explanation:

(This amendment includes an additional \$253,040 each year from the general fund to the Commonwealth Challenge program to provide sufficient state funding to offset the rental costs for the program's barracks housing. The program is currently unable to pay for items such as roof repairs on the barracks it occupies in Virginia Beach or replacement equipment and uniforms for the at-risk youth participating in the program.)

Public Safety Subcommittee

Item 420 #10h

Public Safety	FY 08-09	FY 09-10	
Department Of State Police	\$100,000	\$0	GF

Amendments to House Bill 30, as Introduced

Language:

Page 378, line 21, strike "\$240,757,520" and insert "\$240,857,520".

Page 381, after line 4, insert:

"M. Out of the amounts appropriated for drug enforcement, \$100,000 the first year is provided to develop a pharmaceutical disposal program to ensure the safe, effective, and proper disposal of unused pharmaceuticals in cooperation with the Virginia Board of Pharmacy."

Explanation:

(This amendment provides \$100,000 the first year from the general fund for the creation of a pharmaceutical disposal program. The Department of State Police and Virginia Board of Pharmacy will develop a single collection location for the return of unused pharmaceuticals that would be under the control of the Department of State Police. Unused pharmaceuticals would be disposed of by the Department of State Police in a manner determined by the Board of Pharmacy in compliance with state and federal law and environmental regulations.)

Public Safety Subcommittee

Item 420 #11g

Public Safety

Department Of State Police

Language

Language:

Page 381, after line 4, insert:

"M. The Department of State Police is authorized to purchase two helicopters to replace two aging helicopters it currently owns. The department shall use funds already included in the appropriation for this item for debt service to finance this purchase."

Explanation:

(This amendment authorizes the department to replace two aging helicopters in its fleet. Funding for the debt service on the financing of the purchase can be accommodated within the agency's appropriation. Debt service funding presently being used for other State Police equipment purchases will become available by the time debt service payments must be made for the financing of these helicopters.)

Public Safety Subcommittee

Item 420 #12h

Public Safety

FY 08-09

FY 09-10

Amendments to House Bill 30, as Introduced

Department Of State Police	-10.00	-10.00	FTE
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Language:

Page 381, after line 4, insert:

"M. Included in appropriation for this item is \$1,398,140 the first year and \$843,360 the second year from the general fund for the payment of overtime compensation for sworn officers employed by the Department of State Police."

Explanation:

(This amendment redirects the funding included in the Governor's introduced budget for additional state troopers to the payment of overtime compensation for State Police troopers who serve in non-FLSA exempt positions for their hours worked in excess of 40 hours in any seven day period. Currently, the Department of State Police provides these employees with compensatory leave in exchange for any overtime they work. This compensatory leave is capped at 96 hours, after which these troopers must receive overtime pay. Consequently, the department manages troopers' compensatory leave to minimize overtime pay. This results in additional overtime being worked by other officers.)

Public Safety Subcommittee

Item 425 #1h

Public Safety

Department Of Veterans Services

Language

Language:

Page 382, line 18, strike "institutions of higher" and insert:

"the State Council of Higher Education for Virginia".

Page 382, line 19, strike "education with".

Page 382, line 20, strike "Virginia War Orphans Education" and insert:

"Virginia Military Survivors and Dependents Education".

Page 382, line 27, after "years" insert "or its equivalent".

Explanation:

(This amendment is a technical amendment conforming language in the Appropriation Act to the provisions of the Virginia Military Survivors and Dependents Education Program established in § 23-7.4:1, Code of Virginia.)

Public Safety Subcommittee

Item 425 #4h

Amendments to House Bill 30, as Introduced

Public Safety	FY 08-09	FY 09-10	
Department Of Veterans Services	\$2,939,911	\$2,939,911	GF

Language:

Page 382, line 11, strike "\$3,582,901" and insert "\$6,522,812".

Page 382, line 11, strike "\$3,582,901" and insert "\$6,522,812".

Page 382, after line 27, insert:

"C. Out of the amounts appropriated for Case Management Services for Veterans Benefits, \$2,939,911 the first year and \$2,939,911 the second year is provided for the creation of a program, to be developed in cooperation with the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the Department of Rehabilitative Services, to monitor and coordinate mental health and rehabilitative services for Virginia's veterans, members of the Virginia National Guard, and Virginia residents in the Armed Forces Reserves, pursuant to the enactment of House Bill 475 by the 2008 Session of the General Assembly. This program is to facilitate support for covered individuals to provide these individuals receive timely assessments and treatment for stress-related injuries and brain disorders caused by service in combat areas."

Explanation:

(This amendment provides \$2.9 million each year from the general fund to establish a program pursuant to enactment of House Bill 475 that in condert with the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the Department of Rehabilitative Services will monitor and coordinate mental health and rehabilitative services for Virginia's veterans, Virginia National Guard members, and Virginia residents in the Armed Forces Reserves. This program will ensure these individuals receive timely assessment and treatment for stress-related injuries and brain disorders resulting from service in combat areas. The bill also directs the Commissioner of the Department of Veterans Services to actively pursue federal funds for this program and the Veterans Services Foundation is to make this program a top priority for fund-raising activities. The DVS Commissioner is to ensure maximization of federal and private funds to support this program.)

Public Safety Subcommittee	Item	C-134.1 #1h
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Public Safety	FY 08-09	FY 09-10	
Department Of Corrections	\$0	\$2,522,469	NGF

Language:

Amendments to House Bill 30, as Introduced

"C-134.1. New Construction: Craigsville Wastewater Treatment Plant	\$0	\$2,522,469
Fund Sources: Bond Proceeds	\$0".	\$2,522,469".

"This item provides for the initial portion of the Commonwealth's share of the costs of constructing a wastewater treatment plant for the Town of Craigsville. No payment shall be made to the town until the Department of Corrections has entered into a new contract with the Town of Craigsville, which along with other appropriate terms, shall provide that all charges to be paid for all future wastewater treatment for the Augusta Correctional Center shall be based solely upon the Augusta Correctional Center's actual metered usage and that the Augusta Correctional Center shall be charged at a rate no higher than the lowest rate charged to any other customer of the wastewater treatment plant. The contract shall also provide for an annual payment of \$120,000 from the Department of Corrections to the Town of Craigsville for 20 years, representing the reimbursement of debt service on a loan to the town issued by the Department of Environmental Quality funding a portion of the construction costs of the wastewater treatment plant."

Explanation:

(This amendment provides for bond proceeds to be used for the payment of the Commonwealth's share of the costs of the construction of a wastewater treatment plant for the Town of Craigsville. The Augusta Correctional Center will be the largest customer of the wastewater treatment plant once constructed. No payment shall be made, however, until a contract has been established between the town and the Department of Corrections. Two companion amendments capture the general fund dollars previously available to support this project. The first, a caboose bill item, captures a fiscal year 2008 balance. The second, a biennial budget item, captures funding made available in fiscal year 2010 for this purpose. This action was recommended by the Governor in his budget reduction plan issued February 12, 2008.)

Public Safety Subcommittee

Item 3-2.03 #1g

Working Capital Funds and Lines of Credit

Lines of Credit

Language

Language:

Page 492, line 7, strike "150,000" and insert "250,000".

Explanation:

Amendments to House Bill 30, as Introduced

(This amendment increases the line of credit for the Disaster Response Fund from \$150,000 to \$250,000, allowing for continued reimbursement of local regional hazardous materials teams for their costs in responding to hazmat incidents.)
