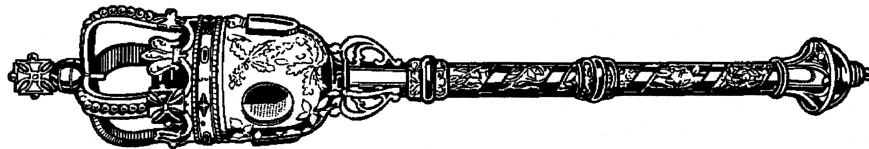


*Report of the
House Appropriations
Subcommittee*

on

Public Safety



House Bill 1600

February 8, 2009

REPORT OF THE SUBCOMMITTEE

on

PUBLIC SAFETY

Mr. Chairman and Members of the Committee:

While we recognize that the Commonwealth has very limited resources, we still have a commitment to maintaining the public safety of our citizens.

For many localities, public safety is maintained by the operation of local sheriffs' offices, local jails, and regional jails. The Subcommittee, therefore, recommends providing about \$8.3 million to reduce the funding reductions for the operations of sheriffs' offices and local and regional jail operations from seven to five percent.

In addition, the Subcommittee is recommending the appropriation of \$1.0 million to support the Commonwealth's two Internet Crimes Against Children task forces. These task forces protect children everyday from on-line predators.

To further ensure the public's safety, the Subcommittee is recommending striking language that would have provided up to 90 days early release for "non-violent" offenders. The Subcommittee believes this policy did not consider an offender's criminal history and that among these "non-violent" offenders were drug dealers and potentially other problematic offenses.

However, as we discussed during our retreat this November, local and regional jail construction and operations is an area in which the General Assembly needs to focus more attention. To that end, the Subcommittee is recommending the creation of a joint subcommittee between the House Appropriations and Senate Finance Committees to examine this area.

However, the Subcommittee also did not believe it was appropriate to change the "rules of the game" for local and regional jail construction projects that were underway. Because of this belief, the Subcommittee is recommending the provision of the Commonwealth's full share of the Western Virginia Regional Jail's construction costs. In addition, the Subcommittee included language permitting the construction of the Meherrin River Regional Jail.

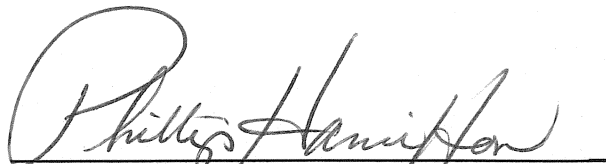
Finally, Mr. Chairman, I would like to take a moment to mention the Subcommittee's appreciation for the men and women of the Armed Forces who protect our liberties everyday. In respect for the service they render to us, the Subcommittee is recommending the restoration of \$50,000 for the further development of an automated system to prepare veterans' disability claims and recommended language to allow the Department of Veterans Services to further develop this system using available federal and other funds.

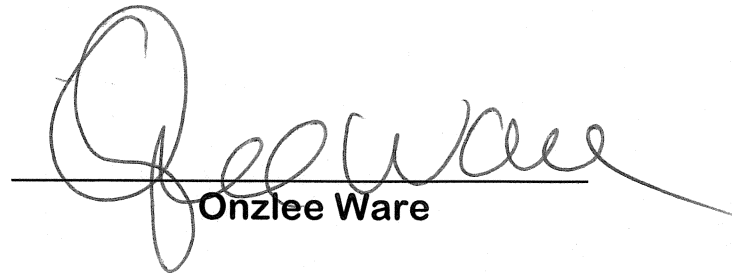
Mr. Chairman and fellow Committee members, I will ask staff to take you through our detailed recommendations, and then I hope it will be your pleasure to adopt our subcommittee report.

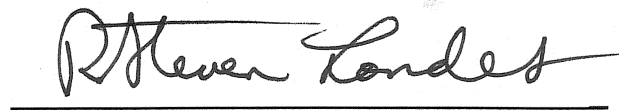
Respectfully Submitted by the House Appropriations Subcommittee
on Public Safety:

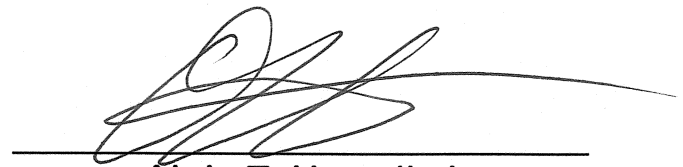

Beverly J. Sherwood, Chair

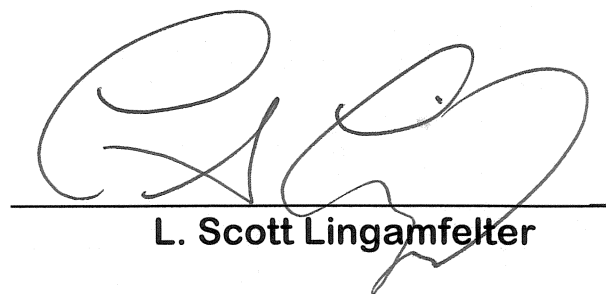

Watkins M. Abbitt, Jr.

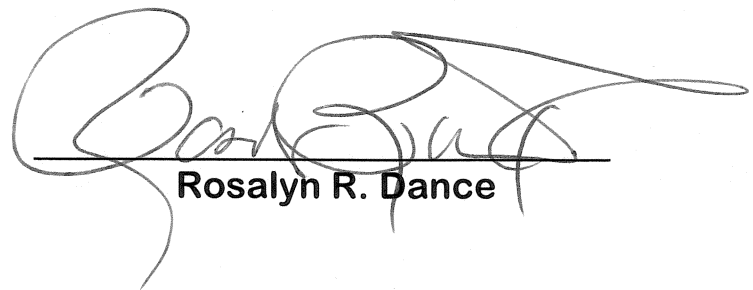

Phillip A. Hamilton


Onzlee Ware


R. Steven Landes


Algje T. Howell, Jr.


L. Scott Lingamfelter


Rosalyn R. Dance

Budget Amendment Recommendations

HB 1600
<u>Amendment</u>

2008-10 BIENNIAL TOTAL		
General	Nongeneral	
<u>Fund</u>	<u>Fund</u>	<u>FTE</u>

PUBLIC SAFETY

Compensation Board

Accreditation Extension for Sheriffs	Language	
Reduce Level of Reductions for Sheriffs and Jails	8,251,828	
Construction Delay Experienced by Local Jail	(965,874)	
Capture Additional Federal Inmate Cost Recovery	Language	
Removal of Exemption from Federal Inmate Recoveries	Language	

Department of Corrections

Meherrin River Jail and Creation of Joint Subcommittee	Language	
Funding for Chaplains Service Costs		180,000
Removal of 90-Day Early Release Policy	Language	
Continued Development of New Correctional Center	Language	
Education Program Reporting	Language	

Department of Criminal Justice Services

Creation of Hanover County Criminal Justice Academy	Language	
Creation of Newport News Criminal Justice Academy	Language	
Internet Crimes Against Children Task Forces	1,000,000	

Department of Emergency Management

Restore Hazardous Materials Training and Response	285,588	
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Department of Juvenile Justice

Authorizing Appropriation of Excess VJCCA Funds	Language	
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Department of State Police

Transmission of Public Sex Offender Data	Language	
Restore Funding for Med-Flight Operations	1,000,000	

Department of Veterans Services

Use of Federal Funds for Disability Claims System	Language	
Restore Funding for Disability Claims System	50,000	

Virginia Parole Board

Restore Two Members to Full-Time Status	51,677	
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Part 4

Eliminate Reduction for Disability Claims System	Language	
Eliminate Reduction for Parole Board Members	Language	
Department of Military Affairs Location	Language	

Total: HB 1600

9,673,219

180,000

-

Amendments to House Bill 1600, as Introduced

Public Safety Subcommittee

Item 69 #5h

Administration

Compensation Board

Language

Language:

Page 51, line 52, after "Program", insert:

", where such criteria include that a sheriff's office seeking accreditation has been assessed and will be considered for accreditation by the accrediting body no later than March 1,"

Page 51, line 53, after "accreditation", insert "by March 1".

Explanation:

(This technical amendment provides an extension to the date by which a sheriff's office can be approved by an accrediting agency and still considered by the Compensation Board as fully accredited, for the purpose of compliance with the Sheriffs' Career Development Program and allocation of the appropriate salary supplement for the upcoming fiscal year.)

Public Safety Subcommittee

Item 69 #6h

Administration

Compensation Board

FY 08-09

\$0

FY 09-10

\$8,251,828 GF

Language:

Page 48, line 4, strike "\$399,264,794" and insert "\$407,516,622".

Explanation:

(This amendment reduces the total reductions proposed by the Governor to sheriffs' offices and local and regional jails from seven percent to five percent. It is the intent of the General Assembly that the Compensation Board will distribute this additional funding to the appropriate subprograms for financial assistance to sheriffs' offices and local and regional jails.)

Public Safety Subcommittee

Item 69 #7h

Administration

Compensation Board

FY 08-09

\$0

FY 09-10

(\$965,874) GF

Amendments to House Bill 1600, as Introduced

Language:

Page 48, line 4, strike "\$399,264,794" and insert "\$398,298,920".

Explanation:

(This amendment reduces funding for the operation of local jails included in the introduced budget due to delays in the completion of construction for the Loudoun County jail. The completion date for the construction of the expansion has slipped from July 1, 2009 to November 15, 2009.)

Public Safety Subcommittee

Item 70 #1h

Administration

FY 08-09

FY 09-10

Compensation Board

\$0

(\$256,000) GF

Language:

Page 52, line 39, strike "\$74,191,798" and insert "\$73,935,798".

Page 55, line 6, strike "personnel".

Page 55, line 12, strike "salary funds" and insert "costs".

Explanation:

(This amendment expands the existing federal inmate cost recovery methodology to recoup the entire costs borne by the Commonwealth for the federal inmates housed in local and regional jails. The Commonwealth provides not only the salaries for the jail deputies and regional jail correctional officers, but also office and vehicle allowances, grants, construction reimbursements, and other support. This change will generate about \$256,000 in additional federal inmate cost recoveries.)

Public Safety Subcommittee

Item 70 #2h

Administration

Compensation Board

Language

Language:

Page 56, line 4, strike "The" and insert:

"Through June 30, 2009, the".

Page 56, line 7, after "contribution.", insert:

"After June 30, 2009, all local and regional jails shall be subject to the cost recovery methodology outlined in paragraphs H.1 and H.2 of this item."

Amendments to House Bill 1600, as Introduced

Explanation:

(This amendment removes the exemption from the federal inmate cost recovery methodology that had existed for one local jail and three regional jails based on federal bed construction. The funding required for the continuance of this exemption was eliminated for fiscal year 2010 in Chapter 879 of the 2008 Acts of Assembly. Without this language, all other local and regional jails per diem payments would require some level of proration.)

Public Safety Subcommittee

Item 388 #3h

Public Safety

Department Of Corrections

Language

Language:

Page 426, strike lines 36-48 and insert:

"a. Meherrin River Regional Jail Authority, for a regional jail facility of not more than 400 beds, with new construction on not more than one site, and for which the Commonwealth's share of the total capital cost of the project shall not exceed \$50 million, and for which the revised plans and cost estimates pursuant to this paragraph shall be subject to the approval of the Board of Corrections. The authority shall consider the costs and benefits of acquiring this facility using the process established under the Public Private Education and Infrastructure Act (PPEA), and shall submit a report on its analysis of this approach, along with its planning submissions, to the Board of Corrections. It is anticipated that the reimbursement of the Commonwealth's portion will not occur before July 1, 2012."

Page 426, line 49, strike "e." and insert "b."

Page 427, strike lines 1-4 and insert:

"c. Patrick County, in order to proceed to planning for a replacement jail. The Commonwealth's estimated portion of this project is \$2,689,032, pursuant to Item 280 of this act."

Page 427, line 5, strike "g." and insert "d."

Page 427, line 8, strike "h." and insert "e."

Page 427, line 20, strike "i." and insert "f."

Page 427, line 27, strike "j." and insert "g."

Page 427, strike lines 29 through 31.

Page 427, line 32, strike "l." and insert "h."

Page 427, strike lines 35 through 44, and insert:

"5. The projects set forth in this item shall be subject to the provisions of §§ 53.1-80

Amendments to House Bill 1600, as Introduced

through 53.1-82.3 of the Code of Virginia which were in effect as of December 31, 2008."

Page 427, line 45, strike "C." and insert "B."

Page 428, strike lines 11 through 20, and insert:

"C. The Chairmen of House Appropriations and Senate Finance Committees shall appoint a joint subcommittee to review the Commonwealth's policies with respect to the oversight, approval and financing of local and regional jail capital projects and operational expenses, with a view towards developing appropriate and fiscally sound recommendations for defining and meeting the Commonwealth's long-term obligations for local and regional jails and related programs. The Departments of Corrections, Criminal Justice Services, General Services, Planning and Budget, the Treasury, and the Compensation Board, shall provide such assistance as may be requested by the joint subcommittee for this review."

Page 428, line 21, strike "E." and insert "D."

Page 428, line 43, strike "F." and insert "E."

Page 428, line 54, strike "G." and insert "F."

Explanation:

(This amendment provides continuing legislative authority for certain specified jail projects to proceed under the established processes for review and approval by the Board of Corrections, pending review by a legislative joint subcommittee of the Commonwealth's long-term obligations with respect to the financing of local and regional jail capital and operating costs.)

Public Safety Subcommittee

Item 390 #2h

Public Safety

FY 08-09

FY 09-10

Department Of Corrections

\$0

\$180,000 NGF

Language:

Page 430, line 11, strike "\$897,061,073" and insert "\$897,241,073".

Page 430, line 39, strike the second "\$600,000" and insert "\$780,000".

Explanation:

(This amendment provides an additional \$180,000 the second year from nongeneral fund sources for the delivery of faith-based services to inmates. The source of the nongeneral fund revenue is inmate commissary funds. The additional funding will allow for additional full-time chaplains to serve Virginia's prisons.)

Amendments to House Bill 1600, as Introduced

Public Safety Subcommittee

Item 390 #3h

Public Safety

Department Of Corrections

Language

Language:

Page 431, line 49, strike "2010" and insert "2009".

Explanation:

(This amendment requires a report on implementation of a correctional education program by June 30, 2009 rather than June 30, 2010.)

Public Safety Subcommittee

Item 391 #3h

Public Safety

Department Of Corrections

Language

Language:

Page 434, line 8, strike "l."

Page 434, strike lines 25 through 45.

Explanation:

(This amendment eliminates a proposed policy that would have permitted the Department of Corrections to allow an additional 60 days early release for nonviolent offenders.)

Public Safety Subcommittee

Item 391 #4h

Public Safety

Department Of Corrections

Language

Language:

Page 435, after line 40, insert:

"3. To further the continued progress of the development of this facility, and to ensure the installation of necessary infrastructure for this facility, the Department of Corrections is authorized to provide for the state share of the costs of wastewater treatment facilities from the proceeds of revenue bonds authorized by paragraph E. of Item 368 of this act."

Explanation:

Amendments to House Bill 1600, as Introduced

(This amendment provides funding for the development of wastewater treatment infrastructure that must be in place prior to the continued development of a new state correctional center.)

Public Safety Subcommittee

Item 395 #1h

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 439, after line 20, insert:

“c. The Board of Criminal Justice Services may approve a new criminal justice academy for Hanover County, to be supported with local funds , consistent with the Agreement dated October 17, 2008, by and between Hanover County, the Sheriff of Hanover County, and the Rappahannock Regional Criminal Justice Academy .”

Explanation:

(This amendment provides for the creation of a new criminal justice academy for Hanover County that will be supported solely by local funds. The creation of this new criminal justice academy is approved pursuant to an agreement between Hanover County, the Hanover County Sheriff’s Office, and the Rappahannock Regional Criminal Justice Academy, of which Hanover County was a member. Currently, no new criminal justice academies may be created by the Board of Criminal Justice Services without the approval of the General Assembly .)

Public Safety Subcommittee

Item 395 #2h

Public Safety

Department Of Criminal Justice
Services

Language

Language:

Page 439, after line 20, insert:

“c. The Board of Criminal Justice Services may approve a new criminal justice academy for the City of Newport News, to be supported with local funds , consistent with an agreement established by and between the Council of Newport News , the City Manager of Newport News, and the Hampton Roads Criminal Justice Training Academy.”

Amendments to House Bill 1600, as Introduced

Explanation:

(This amendment provides for the creation of a new criminal justice academy for the City of Newport News that will be supported solely by local funds. The creation of this new criminal justice academy is approved pursuant to an agreement between the Council of Newport News, the City Manager of Newport News, and the Hampton Roads Regional Criminal Justice Training Academy, of which the City of Newport News was a member. Currently, no new criminal justice academies may be created by the Board of Criminal Justice Services without the approval of the General Assembly.)

Public Safety Subcommittee

Item 395 #3h

Public Safety

FY 08-09

FY 09-10

Department Of Criminal Justice
Services

\$0

\$1,000,000 GF

Language:

Page 438, line 10, strike "\$85,093,914" and insert "\$86,093,914".

Page 441, after line 12, insert:

"M. Out of the amounts appropriated for this item, \$1,000,000 the second 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, \$500,000 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.)

Public Safety Subcommittee

Item 399 #1h

Public Safety

FY 08-09

FY 09-10

Amendments to House Bill 1600, as Introduced

Department Of Emergency
Management

\$0 \$285,588 GF

Language:

Page 443, line 20, strike "\$27,749,656" and insert "\$28,035,244".

Explanation:

(This amendment restores general fund support for hazardous materials training and response.)

Subcommittee

Item 411 #1h

Public Safety

Department Of Juvenile Justice

Language

Language:

Page 450, line 54, after "locality.", insert:

"The Director, Department of Planning and Budget, may increase the general fund appropriation for this item up to the amount of unobligated VJCCCA funds returned to the Department of Juvenile Justice."

Explanation:

(This amendment adds language authorizing the Director, Department of Planning and Budget, to increase the general fund appropriation up to the amount of unobligated Virginia Juvenile Community Crime Control Act (VJCCCA) grants returned by localities to the Department of Juvenile Justice. This would allow the department to reprogram these funds to local programs demonstrating the greatest effectiveness in juvenile crime prevention. The language presently in the budget inadvertently forces a one-year lag since the funding would need to be reflected in the department's year-end balances.)

Public Safety Subcommittee

Item 419 #1h

Public Safety

Department Of State Police

Language

Language:

Page 456, after line 52, insert:

"I. The Superintendent of State Police is authorized to and shall establish a policy

Amendments to House Bill 1600, as Introduced

and reasonable fee to contract for the bulk transmission of public information from the Virginia Sex Offender Registry. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the Registry ."

Explanation:

(This amendment authorizes the Superintendent of State Police to develop a policy and fee for the transmission of public information about the Virginia Sex Offender Registry. Any fees collected by the Department of State Police will be used to defray the costs of maintaining the Sex Offender Registry .)

Public Safety Subcommittee

Item 420 #1h

Public Safety

FY 08-09

FY 09-10

Department Of State Police

\$0

\$1,000,000 GF

Language:

Page 456, line 55, strike "\$225,628,859" and insert "\$226,628,859".

Page 458, line 5, strike "\$2,645,375" and insert "\$1,645,375"

Page 458, line 8, strike "\$1,600,000" and insert "\$600,000".

Page 458, line 9, after "from", insert "a portion of".

Explanation:

(This amendment restores \$1.0 million to the Department of State Police to support its med-flight operations. A companion amendment in Item 290 reduces the amount of new \$4 for Life funding transferred to assist with med -flight operations.)

Public Safety Subcommittee

Item 425 #1h

Public Safety

Department Of Veterans Services

Language

Language:

Page 462, after line 11, insert:

"D. Subject to the availability of sufficient nongeneral fund revenues, including, but not limited to, private donation and federal funds, the Department shall work in concert with applicable state and federal agencies to develop and deploy an automated system for the electronic preparation of veterans' disability claims. The Commissioner shall ensure that the system is efficient and statutorily compliant ."

Explanation:

Amendments to House Bill 1600, as Introduced

(This amendment permits the Department of Veterans Services to continue developing an automated system for electronically preparing veterans' disability claims to the extent nongeneral fund sources of funding are available. Any system developed by the agency must be statutorily compliant with state and federal agency requirements.)

Public Safety Subcommittee

Item 425 #2h

Public Safety	FY 08-09	FY 09-10	
Department Of Veterans Services	\$0	\$50,000	GF

Language:

Page 461, line 22, strike "\$5,732,901" and insert "\$5,782,901".

Page 462, line 9, unstrike "\$100,000" and strike "\$50,000".

Explanation:

(This amendment restores funding for the further development of an automated system for the preparation of veterans' disability claims. The Governor had reduced the funding for this system by 50 percent as part of his budget reduction plan.)

Public Safety Subcommittee

Item 428 #1h

Public Safety	FY 08-09	FY 09-10	
Virginia Parole Board	\$0	\$51,677	GF

Language:

Page 463, line 7, strike "\$760,236" and insert "\$811,913".

Explanation:

(This amendment eliminates the proposed conversion of two Parole Board members to part-time status. A companion amendment eliminates the proposed savings from this proposal from the table in Part 4 of the budget.)

Public Safety Subcommittee

Item 4-1.08 #2h

Appropriations

Appropriation Reductions to Address Revenue Shortfall

Language

Amendments to House Bill 1600, as Introduced

Language:

Page 650, strike line 35.

Explanation:

(This amendment eliminates the Governor's \$50,000 general fund reduction in support for the development of an automated system for the processing of veterans' disability claims.)

Public Safety Subcommittee

Item 4-1.08 #7h

Appropriations

Appropriation Reductions to Address Revenue Shortfall

Language

Language:

Page 650, strike lines 45 and 46.

Explanation:

(This amendment eliminates the proposed savings associated with the conversion of two Parole Board members to part-time status. A companion amendment appropriates the funding within the Parole Board to restore the members to full-time status.)

Public Safety Subcommittee

Item 4-5.03 #1h

Special Conditions and Restrictions on Expenditures

Services and Clients

Language

Language:

Page 667, after line 22, insert:

"3. Notwithstanding the provisions of § 44-26, Code of Virginia, the Department of Military Affairs shall not consolidate the headquarters or staff of the Virginia Army National Guard in any location other than Fort Pickett without the approval of the General Assembly."

Page 667, line 23, strike "3." and insert "4."

Explanation:

(This amendment requires the Department of Military Affairs to maintain Fort Pickett as the headquarters of the Virginia Army National Guard and prevents the

Amendments to House Bill 1600, as Introduced

consolidation of that headquarters or the Virginia Army National Guard's staff in any other location without the General Assembly's approval.)
