

Public Safety and Homeland Security

Adopted Adjustments				
(\$ in millions)				
	FY 2021 Adopted		FY 2022 Adopted	
	<u>GF</u>	<u>NGF</u>	<u>GF</u>	<u>NGF</u>
2018-20 Base Budget, Ch. 854	\$2,038.1	\$1,107.3	\$2,038.1	\$1,107.3
Adopted Increases	180.8	117.2	177.1	166.7
Adopted Decreases	<u>(17.0)</u>	<u>0.1</u>	<u>(8.6)</u>	<u>0.1</u>
\$ Net Change	163.8	117.4	168.4	166.9
Ch. 1289 (HB 30, as Adopted)	\$2,201.9	\$1,224.7	\$2,206.6	\$1,274.1
% Change	8.4%	10.6%	8.26%	15.07%
FTEs	17,634.10	2,369.90	17,634.10	2,470.90
# Change	50.25	114.75	50.25	215.75

Unallotted Spending

(pending the assessment of the impact of a potential general fund revenue shortfall caused by the COVID-19 pandemic)

	<u>FY 2021</u>	<u>FY 2022</u>
<u>Department of Corrections</u>		
Electronic Health Records	\$3,000,000	\$11,935,649
University Medical Pilot Programs	3,646,925	5,935,253
Medical Service Delivery Study	500,000	0
Compensation Action for Security Staff	6,831,121	7,864,561
Lawrenceville Correctional Center Contract	994,331	994,331
BOC Jail Death Investigators	170,125	226,832
<u>Department of Criminal Justice Services</u>		
Local Pretrial and Probation Expansion	\$2,300,000	\$2,300,000
Post-Critical Incident Support Grants	200,000	200,000
Local Security Grants	1,500,000	1,500,000
PAPIS	1,000,000	1,000,000
Immigration Legal Social Services Grants	250,000	250,000
HB 599	8,628,574	8,628,574
<u>Department of Emergency Management</u>		
Information Technology Cloud Migration	\$1,505,760	\$1,043,336
<u>Department of Fire Programs</u>		
Accounting Position	\$24,886	\$24,886
<u>Department of Forensic Science</u>		
Laboratory Equipment Maintenance	\$248,000	\$368,000
IT Positions	185,160	246,880
<u>Department of State Police</u>		
Court Records Sealing	\$108,800	\$0
<u>Parole Board</u>		
Part-time Investigators	\$406,392	\$406,392
Release Planning Coordinator	<u>42,319</u>	<u>42,319</u>
Total Unallotted	\$31,542,393	\$42,967,013

Note: Unallotting an appropriation is an executive function that prevents an agency from expending such appropriation. Budget language was included to authorize any particular spending items will no longer apply until such time as the General Assembly re-enacts such appropriation after acceptance of a revenue forecast that supports the underlying appropriation.

- **Secretary of Public Safety**
 - *Public Safety Application Evaluation.* Removes one-time funding that was added in Chapter 854 of the 2019 Acts of Assembly (HB 1700), designated for the Secretary to contract with a third party to evaluate options for a statewide public safety application. The evaluation was completed in December 2019 and the continued appropriation was no longer necessary.
 - *DOC Sex Offender Treatment Report.* Adds language to clarify that a reporting requirement authorized in Item 381.H. of Chapter 854 of the 2019 Acts of Assembly (HB 1700), and due in FY 2021, is still required. The introduced budget erroneously removed the language.
 - *Body-Worn Camera Workgroup.* Adds language continuing the workgroup created in Chapter 854 of the 2019 Acts of Assembly (HB 1700), to study the workload, policy, and fiscal impacts of law enforcement use of body-worn cameras. A report with recommendations is due in November 2020.
- **Commonwealth’s Attorneys Services Council**
 - *Line of Credit.* Provides a \$200,000 line of credit for the agency to cover expenses incurred for activities eligible for reimbursement under federal grants, which often lag into the next fiscal year.
- **Alcoholic Beverage Control Authority (ABC)**
 - *Cost of Goods Sold.* Includes \$50.3 million NGF in FY 2021 and \$90.7 million NGF in FY 2022 to for estimated costs of purchasing wholesale product for retail sale, based on the ABC’s sales growth projections.
 - *Net Profit Transfers.* Language in Part 3 increases the required transfer of net profits to the general fund by \$5.0 million NGF in FY 2021 and \$8.6 million NGF in FY 2022 over the FY 2020 amount in Chapter 854 of the 2019 Acts of Assembly (HB 1700).
 - A companion action in Chapter 1283 of the 2020 Acts of Assembly (HB 29) increases the FY 2020 net profit transfer \$4.7 million NGF above the amount specified in Chapter 854 of the 2019 Acts of Assembly (HB 1700) for FY 2020. The growth in net profit transfers is lower than previous years, due to assumed expenses related to several technology systems upgrades within the Authority.
 - *New Store Openings.* Includes \$2.7 million NGF and 50 positions in FY 2021 and \$8.1 million NGF and 100 positions in FY 2022 for startup costs and staffing related

to new ABC stores to be opened over the next two fiscal years. On average, the Authority has opened approximately 10 new retail locations each year.

- ***Warehouse and Headquarters Relocation.*** Includes \$3.1 million NGF over the biennium for the one-time costs associated with the Authority’s move from its current headquarters and warehouse location in the City of Richmond to its new facility Hanover County.
- ***Licensing Reform.*** Provides \$2.5 million NGF and 26 positions in FY 2022 related to the costs of implementing comprehensive licensing reform pursuant to Chapters 1113 and 1114 of the 2020 Acts of Assembly (HB 390/SB 389).
- ***Increase Full-Time Employment Levels.*** Includes \$503,000 NGF and 25 positions in FY 2021 and \$1.0 million NGF and 50 positions in FY 2022 to increase the number of full-time employees in Authority retail stores. The positions will be distributed to stores experiencing high sales volumes or other factors which have resulting in staffing shortages among wage employees.
- ***Fund Store Pilot Programs.*** Provides \$1.0 million NGF in FY 2022 for the Authority to pilot new store concepts in up to 10 stores.
- ***Line of Credit Increase.*** Language in Part 3 increases the Authority’s line of credit from \$60.0 million to \$80.0 million. The Authority requested the increase to manage its cash flow as various information technology projects are planned to be implemented.

- **Department of Corrections (DOC)**

- ***Electronic Health Records (New Funding Unallotted).*** Includes a total of \$35.1 million from all fund sources over the biennium to begin the procurement and implementation of an electronic health records system for all DOC-operated correctional institutions.

<u>Fund Source</u> (\$ millions)	<u>FY 2021</u>	<u>FY 2022</u>
Existing GF Base for EHR	\$4.3	\$4.3
Ch. 854, Item 475.S, GF Carryforward (Pending Administrative Action)	3.0	0
Anticipated NGF Revenue	7.6	1.0
New GF (Unallotted)	<u>3.0</u>	<u>11.9</u>
Total	\$17.9	\$17.2

- The department estimates the total cost of procurement, implementation, and operation of the EHR system for all correctional facilities as \$76.1 million over six fiscal years.
- ***University Medical Pilot Programs (Unallotted)***. Provides \$3.2 million GF the first year and \$6.0 million GF the second year to establish and operate two pilot programs in cooperation with the University of Virginia (UVA) – to provide Hepatitis treatment to female inmates at Fluvanna Correctional Center for Women and Virginia Commonwealth University (VCU) Health Systems – to provide clinical orthopedic services at the State Farm Complex. A corresponding language amendment also continues a reporting requirement adopted in Chapter 854 of the 2019 Acts of Assembly (HB 1700), for an annual report on the progress and outcomes of the pilot projects.
- ***Medical Service Delivery Study (Unallotted)***. Provides \$500,000 GF the first year for the department to hire a consultant to study the provision of medical care in state correctional facilities. A corresponding language amendment requires a report on the findings of the evaluation, which may include best practices in correctional healthcare, quality management, and other innovative strategies in creating a more efficient system of providing cost effective and quality healthcare, by December 1, 2020.
- ***Compensation Increase for Correctional Officers (Unallotted)***. Provides \$6.8 million GF in FY 2021 and \$7.9 million GF in FY 2022 for targeted salary increases to be provided to correctional officers working for the department. The funds will increase the minimum salary level for all correctional officer ranks in an effort to help the Department’s recruitment efforts and to reduce turnover rates among correctional officers.
- ***Contract Costs for Lawrenceville (Unallotted)***. Includes \$994,000 GF each year for increased contractual costs for continued private vendor operation of Lawrenceville Correctional Center. A corresponding action included in Chapter 1283 of the 2020 Acts of Assembly (HB 29) provides \$994,000 GF in FY 2020 for the same purpose.
- ***Jail Death Investigators (Unallotted)***. Includes \$170,000 GF in FY 2021 and \$227,000 GF in FY 2022 and two positions to support jail death investigations conducted by the Board of Corrections.
 - Also adds language identifying total existing funding for four jail death investigators, which includes funding for two investigators provided in previous sessions. Only the two new positions are unallotted.
- ***Hepatitis C Testing and Treatment***. Includes \$12.6 million GF in FY 2021 and \$14.9 million GF in FY 2022 to increase Hepatitis C testing and treatment for state-

responsible inmates. In response to ongoing litigation regarding its protocols for Hepatitis C testing and treatment, the department plans to test all inmates for Hepatitis C at intake or prior to release. This amendment funds the estimated costs of treating the additional inmates through the Virginia Commonwealth University Health System's 340B eligible clinic.

- A companion action in Chapter 1283 of the 2020 Acts of Assembly (HB 29) adds \$10.3 million GF for this purpose in FY 2020.
- ***Evaluation of Subscription Model for Hepatitis C Treatment.*** Language requires the department to assess the feasibility of adopting a "subscription model" for the purchase of Hepatitis C antiviral medication and ancillary services, wherein the department may contract to pay a predetermined amount to a pharmaceutical manufacturer for it to treat any inmates identified within the subscription period, within the scope of the contract. The language requires a report on the findings by November 30, 2020.
- ***Offender Medical Costs.*** Includes \$3.9 million GF in FY 2021 and \$5.6 million GF in FY 2022 for increased inmate-related medical expenditures in state correctional facilities. A corresponding action in Chapter 1283 of the 2020 Acts of Assembly (HB 29) provides an increase of \$1.2 million GF in FY 2020.
- ***Technical: Offender Medical Program Language.*** Two corresponding actions move three existing paragraphs from the Operation of Secure Correctional Facilities program to the Prison Medical and Clinical Services program, which was created as a new program in the introduced budget to account for offender healthcare activities and costs separately from other program areas within the Department. Existing language associated the funding was not moved into the new program in the introduced budget; therefore, this technical amendment corrects that omission.
- ***Report on Costs for DOC Management of Lawrenceville.*** Directs DOC to evaluate and report on the estimated costs for the Department to assume management of Lawrenceville Correctional Center from the private vendor at the end of its existing contract. The language directs the report to include a plan and cost structure for healthcare administration for the persons housed in the facility.
- ***Options for Increased Programs in Restrictive Housing.*** Language directs the Department to report on options to increase programs that give access to additional hours of recreation or counseling for persons in restrictive housing in DOC facilities.
- ***Line of Credit.*** An action in Part 3 increases the department's line of credit by \$1.0 million to help manage the agency's cash flow related to federal grants.

- ***Prison Bedspace Impact of Sentencing Legislation.*** Pursuant to Section 30-19.1:4 of the *Code of Virginia*, includes a series of 18 deposits of \$50,000 each (\$950,000 GF total) the first year into the Corrections Special Reserve Fund for the estimated prison bedspace impact of the following sentencing bills:
- Chapters 887 and 888 of the 2020 Acts of Assembly (HB 674/SB 240), allowing removal of firearms from persons posing a substantial risk to themselves or others;
 - Chapters 1221 and 1260 of the 2020 Acts of Assembly (HB 1004/SB 479), prohibiting possession of firearms by persons subject to final orders of protection;
 - Chapters 1111 and 1112 of the 2020 Acts of Assembly (HB 2/SB 70), requiring background checks for all firearms sales;
 - Chapter 527 of the 2020 Acts of Assembly (SB 14), prohibiting manufacture, importation, sale, possession, transfer, or transportation of a trigger activator;
 - Chapters 1197 and 1248 of the 2020 Acts of Assembly (HB 4/SB 36), authorizing regulated casino gaming in certain localities;
 - Chapters 868 and 1038 of the 2020 Acts of Assembly (HB 123/SB 838), creating private cause of action for nonpayment of wages;
 - Chapter 389 of the 2020 Acts of Assembly (HB 253), adding offenses to those requiring Sex Offender registration;
 - Chapters 1122 and 277 of the 2020 Acts of Assembly (HB 298/SB 724), expanding statute of limitations for prosecution of misdemeanor sexual offenses against a minor;
 - Chapter 479 of the 2020 Acts of Assembly (HB 557), increasing the penalty for carnal knowledge of a pretrial offender by bail bondsmen;
 - Chapter 746 of the 2020 Acts of Assembly (HB 618), expanding the definition of hate crime;
 - Chapter 900 of the 2020 Acts of Assembly (HB 623), replacing sections of Code with gender-neutral terms;
 - Chapter 1227 of the 2020 Acts of Assembly (HB 1211), expanding eligibility for driver privilege and special identification cards;

- Chapters 1230 and 1275 of the 2020 Acts of Assembly (HB 1414/SB 890), amending various transportation laws related to: transportation funds, revenue sources, construction, and safety programs;
- Chapter 595 of the 2020 Acts of Assembly (HB 1524), expanding the definition of prostitution;
- Chapter 785 of the 2020 Acts of Assembly (HB 1553), requiring licensure and regulation of debt settlement services providers;
- Chapter 1003 of the 2020 Acts of Assembly (SB 42), expanding the definition of aggravated sexual battery;
- Chapter 601 of the 2020 Acts of Assembly (SB 64), expanding the definition of paramilitary activities; and,
- Chapter 1007 of the 2020 Acts of Assembly (SB 439), altering eligibility for restricted driver's license for driving under the influence.

- **Department of Criminal Justice Services**

- ***Sexual Assault Forensic Examiner Coordinator.*** Provides \$149,174 GF each year to establish the Virginia Sexual Assault Forensic Examiner Coordination program, pursuant to Chapters 274 and 276 of the 2020 Acts of Assembly (HB 475/SB 373).
- ***Gun Violence Intervention and Prevention.*** Provides \$2.6 million GF in FY 2021 and \$194,000 GF in FY 2022 and two positions to support gun violence intervention and prevention programs in up to five Virginia localities. The first year funding includes one-time grant funding for the purposes described. Language requires the department to review the implementation and effectiveness of the programs, and provide a report by November 1, 2021.
- ***Law Enforcement Training Coordinator.*** Provides \$100,000 GF each year and one position to conduct training for law enforcement agencies related to new laws allowing the removal of firearms from persons posing substantial risk.
- ***Red Flag Law Training Grants.*** Adds \$500,000 GF the first year for the department to award grants to localities for training related to enforcement of the removal of firearms based on substantial risk protective orders.
- ***Youth and Gang Violence Prevention Grants.*** Provides \$150,000 GF in FY 2021 for one-time grants to five localities to conduct community assessments for youth and gang violence prevention initiatives.

- ***SRO Data Collection and Analysis.*** Provides \$132,254 GF per year and one position for the department to collect and analyze data on the use of force against students and disciplinary actions by SROs, pursuant to Chapters 1039 and 169 of the 2020 Acts of Assembly (HB 271/SB 170).
- ***Expand Pretrial and Local Probation Services (Unallotted).*** Includes \$2.3 million GF each year for the expansion of local pretrial and probation services to localities that do not currently provide these services.
- ***Post Critical Incident Support Grants (Unallotted).*** Adds \$200,000 GF per year to increase funding level to \$300,000 GF per year for grants to organizations that provide programs and services for law enforcement officers traumatized in the line of duty.
 - Funding of \$100,000 GF per year, authorized in a previous session, remains in the existing base budget. This existing funding is not unallotted.
- ***Security Grants for Localities (Unallotted).*** Provides \$1.5 million GF each year for the department to provide grants to localities to assist in implementing security measures to address vulnerabilities related to hate crimes.
- ***PAPIS Funding (Unallotted).*** Provides \$1.0 million GF each year to increase the appropriation for Pre- and Post-Incarceration Services (PAPIS). PAPIS are local programs that provide services to adult offenders focused on successful reintegration into the community upon release from prisons and jails. Total funding available, including the increase, is now \$3.3 million GF per year for this purpose.
- ***Immigration Legal and Social Services Grant Funding (Unallotted).*** Provides \$250,000 GF per year for the department to contract with Ayuda to provide legal, social, and language services for immigrants who are low-income victims of crime, including domestic violence, sexual assault, human trafficking and child abuse, abandonment, and neglect. Services include case management, emergency client assistance, and mental health services in the preferred language of clients.
- ***HB 599 (Unallotted).*** Provides \$8.6 million GF per year to increase the amount available for distribution for the state aid to localities with police. The increase corresponds to a 4.5 percent increase in the first year, which is consistent with the GF revenue growth that was assumed in the first year of the introduced budget. The amendment brings the total funding for state aid to localities with police departments to \$200.4 million GF per year.
- ***Bail Reform Pilot.*** Directs the department to report on the feasibility and costs of implementing a pilot program in partnership with one or more localities to assess

the operation of a uniform reporting mechanism to collect aggregate data relating to bail determinations, including:

- hearing date and the date an individual is admitted to bail, as well as information related to the individual's charges;
 - demographic information about the individual, including indigency determination;
 - conditions of bail, including monetary and any nonmonetary conditions, whether the individual utilized the services of a bail bondsman, and the reason for denial of bail (if applicable);
 - information regarding outstanding arrest warrants or other bars to release and any revocations due to a violation of conditions;
 - the sentencing date and the beginning date of any active term of incarceration;
 - all dates the individual is released or discharged from custody, and the reason for any release or discharge from custody; and,
 - the average daily cost for housing the individual in the local correctional facility.
- ***Jail Mental Health Technical Language***. Clarifies authority for existing funding for the jail mental health pilot program.
 - ***Victims of Crime Act (VOCA)***. Adds \$17.3 million NGF in FY 2021 and \$21.3 million NGF in FY 2022 to reflect an increase in expected federal funds that will be received by the Commonwealth under the federal VOCA program. VOCA funds are used to support grants to local programs providing services to victims of domestic abuse, sexual assault, victim witness programs, and child abuse.
- **Department of Emergency Management**
 - ***Migration to Cloud Storage (Unallotted)***. Includes \$1.5 million GF in FY 2021 and \$1.0 million GF in FY 2022 for costs associated with transferring agency servers and emergency management related software to a cloud-based environment.
 - ***Transfer Shelter Coordinator Position to DSS***. Reduces \$116,000 GF each year and one position to transfer the sheltering coordinator position of Emergency Management to the Department of Social Services (DSS). Corresponding language under DSS transfers the appropriation and position to that agency.

- *State Managed Shelter Resource List, Shelter Plan Review.* Adds language requiring the department to identify, review, and maintain a comprehensive list of state-owned resources that may be required in the event of a state shelter activation, and to coordinate their use. The language further clarifies that the State Coordinator is required to review statewide plans related to state shelters and to ensure they are regularly updated and aligned with the Commonwealth of Virginia Emergency Operations Plan.
- *Transfer VGIN Responsibilities to VDEM.* Appropriates \$2.8 million NGF and 7.00 FTEs per year from the GIS Fund and the Emergency Response Systems Development Technology Services Dedicated Special Revenue Fund, to operate the Virginia Geographic Information Network, which had been previously operated by the Virginia Information Technologies Agency (VITA), pursuant to Chapter 423 of the 2020 Acts of Assembly (HB 1003). The funding and positions are transferred from VITA in a corresponding amendment.
- *Transfer 911 Services Board Administration Responsibilities to VDEM.* Appropriates \$22.9 million NGF and 13.00 FTEs per year from the Wireless e-911 Fund, to assume responsibility for administration and support for the 911 Services Board, which had been previously supported by the Virginia Information Technologies Agency (VITA), pursuant to Chapter 423 of the 2020 Acts of Assembly (HB 1003). The funding and positions are transferred from VITA in a corresponding amendment.
- *Emergency Shelter Upgrade Grants.* Provides \$2,500,000 GF the first year for the Emergency Shelter Upgrade Assistance Fund, which will aid local governments in proactively preparing for emergency sheltering situations pursuant to Chapter 819 of the 2020 Acts of Assembly (SB 350).
- **Department of Fire Programs**
 - *Accounting Position (Unallotted).* Provides \$25,000 GF and \$75,000 NGF each year and one position for an additional accounting position within the department. The position is intended to help address findings of the Auditor of Public Accounts.
- **Department of Forensic Science**
 - *Laboratory Equipment Maintenance (Unallotted).* Includes \$248,000 GF in FY 2021 and \$368,000 GF in FY 2022 for the costs of maintaining equipment in the Department’s laboratory and toxicology sections.
 - *IT Analyst Positions (Unallotted).* Includes \$185,000 GF in FY 2021 and \$247,000 in FY 2022 and two positions to assist the department in helping to address testing backlogs.

- **Department of State Police**

- ***Positions Related to Firearms and Background Check Legislation.*** Includes \$2.4 million GF in FY 2021 and \$1.2 million GF in FY 2022 and 10 positions resulting from several bills related to firearms and background checks that was passed in the 2020 Session of the General Assembly, including universal background checks for firearm purchases, re-establishing the one gun purchase per month rule, extreme risk legislation, and a bill requiring student loan servicers to undergo a background check.
- ***Community Policing Act.*** Provides \$4.5 million GF the first year and \$1.5 million GF the second year and 11 positions for the purposes of Chapter 1165 of the 2020 Acts of Assembly (HB 1250), which requires the department to create the Community Policing Reporting Database into which sheriffs, police forces, and State Police officers report certain data pertaining to motor vehicle or investigatory stops. The purpose of the database is to use the data for analysis of the occurrence of bias-based profiling by law enforcement, which is prohibited by the Act. The provisions require the Department of Criminal Justice Services to access the database and analyze the data to determine the existence of bias-based profiling.
- ***E-Summons System.*** Reduces existing base appropriation of \$262,000 GF per year that was originally provided to support the ongoing costs of the electronic summons system pilot project in the seventh division, based on new legislation that authorizes the department to collect NGF revenue for this purpose. Pursuant to Chapter 342 of the 2020 Acts of Assembly (HB 172), the department is now authorized to collect a \$5 fee for every summons written by a state trooper. The department has indicated that the revenue will be sufficient to support a rollout of the system in all its divisions.
- ***Cold Case Database.*** Provides \$110,000 GF in the first year for one-time costs for the department to establish a searchable database for details on cold cases for law enforcement use and available to the public, pursuant to Chapter 1127 of the 2020 Acts of Assembly (HB 1024).
- ***Safety Division Positions.*** Provides \$620,000 NGF in FY 2021 and \$361,000 NGF in FY 2022 and three positions to address management staffing shortages in the safety division.
- ***Costs of Sealing Court Records (Unallotted).*** Includes \$109,000 GF in FY 2021 for the one-time costs for sealing court records.
- ***CCRE Data Sharing.*** Authorizes the department to share data from the Centralized Criminal Records Exchange (CCRE) with the Department of Juvenile Justice, who will de-identify it in support of an ongoing study by Duke University and the

University of Virginia of the relationship between gun violence and mental health funded by the National Science Foundation. The new language is added to an existing paragraph of language, added in Chapter 780 of the 2016 Acts of Assembly (HB 30), authorizing the department to share data from the CCRE with the Department of Behavioral Health and Developmental Services for the same purpose.

- *Lines of Credit.* Language in Part 3 establishes two lines of credit for the department: i) \$3.7 million to facilitate processing of the Internet Crimes Against Children Grant, and ii) \$1.5 million to process various federal grants.

- **Virginia Parole Board**

- *Part-Time Investigators (Unallotted).* Provides \$406,000 GF each year for the board to hire seven additional part-time investigators to reduce the workload for existing staff assisting in the work related to petitions for pardons.
- *Release Planning Coordinator (Unallotted).* Provides \$42,000 GF each year for the board to hire a part-time coordinator to assist in developing post-release plans for eligible geriatric parolees.

- **Part 3**

- *Federal Disaster Reimbursement.* Language adds the Covid-19 Additional State Funding fund to the paragraph that requires balances of certain funds at the Department of Emergency Management, which were received as federal cost recoveries for disaster expenditures, to be transferred to the general fund at the end of the fiscal year. Usually all disaster sum sufficient expenditures are expended from, and also reimbursed into, the Disaster Recovery Fund for all events and individual events are tracked separately by project code in the state accounting systems; however, a new fund detail was created for disaster expenditures related to COVID-19.