



Report of the Subcommittee on
Public Safety

(Amendments to SB 29
And SB 30 as Introduced)

Senate Finance Committee
Virginia General Assembly

February 17, 2008

REPORT OF THE SUBCOMMITTEE ON PUBLIC SAFETY
On Senate Bills 29 and 30, as Introduced
(February 17, 2008)

Mr. Chairman and Members of the Committee:

Your subcommittee has reviewed the provisions of Senate Bills 29 and 30, the budget bills as introduced, with respect to the Office of Public Safety.

These are challenging times for the Commonwealth, and we are acutely aware of the difficulties our public safety agencies are facing in responding to the October 2007 budget reductions and the continuation of those reductions into the next biennium. Generally speaking, we are not reversing those reductions, with one exception.

For almost three decades, Virginia has provided state assistance to localities with police departments, pursuant to House Bill 599 of 1979. In October, the Governor proposed reducing 599 funding by five percent, and freezing the program at that reduced amount for the 2008-10 biennium. We have recalculated the amounts actually required to fully fund the 599 program in fiscal year 2009, based on the most recent reductions in our state general fund revenue estimates, to which this program is linked by statute. We recommend adding \$2.5 million in each year of the next biennium, raising the total appropriation to \$207.5 million each year. This amount will fully fund the program in fiscal year 2009, based on the percentage increases in general fund revenues since 2006. We will have to come back next year and address further growth in 2010. This action will meet our commitment to localities with police departments as required by statute, during these fiscally challenging times.

Beyond those already contained in the budget, as introduced, we are recommending no additional budget reductions for the Departments of State Police, Emergency Management, Fire Programs, Military Affairs, Veterans Services, Juvenile Justice, Correctional Education or the Parole Board.

For the Department of Criminal Justice Services, we are recommending a small reduction in the level of general funds provided to match federal anti-crime grants to state agencies. The level of federal funds is being reduced by Congress, and it is incumbent upon the states to pay increased attention to setting priorities for the use of federal grants. The era of unlimited grants for all purposes in the field of criminal justice is over.

Turning to the Department of Corrections, your subcommittee accepts the decision of the Administration to balance the budget by contracting to house out-of-state or federal prisoners. For the short term, this is a necessary component of the actions required to balance the introduced budget. Accordingly, the department must contract for up to 1,000 non-state prisoners in order to cover a \$19 million general fund budget reduction each year. We remain optimistic that the necessary contracts will materialize, but we ask that the department keep the subcommittee fully informed as to its progress on a regular basis.

We recommend that the department postpone the opening of the Phase II unit at St. Brides Correctional Center in the City of Chesapeake, for one more year. The Administration has been successful in maintaining the backlog of state prisoners in local jails at about 1,600, and we recognize that continued, vigorous efforts will be required to manage this backlog. However, for the immediate future, not opening a new unit that has not yet opened is far preferable to closing an existing facility. There is no doubt these beds will be needed, and this step is reflective of the difficult choices we face.

Given current state-responsible offender population trends, it is essential that the next correctional facility at Charlotte County move forward into Phase II of the PPEA process. We recommend language setting forth our intent that this facility should be designed with an emphasis on treatment programs that have been shown, through evaluation research, to reduce recidivism. And, it should be designed to house inmates who are relatively close to their release dates, with intensive transition services.

Violent and repeat offenders leave us no choice but incarceration; but, there is much work to be done to address the critical need to divert more lower-risk, non-violent offenders from prison to less expensive, alternative programs. We are recommending a series of language amendments to assess the resource requirements for moving Virginia forward to safely divert up to 50 percent of the prison-bound, non-violent felony offenders into alternative programs, as recommended by our current risk assessment guidelines. We are already diverting about 27 percent of this group.

With sentencing guidelines and risk assessment procedures already in place, no other state in the nation is as well positioned as Virginia to move in this direction without significantly increasing the level of recidivism. This is good public policy and sound fiscal management, but it will take time, given our current budget challenges.

We are recommending a small increase for the Department of Veterans Services for coordination of services for our Wounded Warriors, who are returning from war with traumatic brain injuries, post-traumatic stress disorders, and other disabilities. And, we are including additional funding for law enforcement training in immigration law and policy, which is one of the great challenges now facing our local police and Sheriffs' departments.

With these adjustments, as detailed in the attached spreadsheet and language amendments, we recommend the amounts included in the budget, as introduced, for the Office of Public Safety.

Let me close by thanking you, Mr. Chairman, for recognizing the importance of addressing the complex and cross-cutting issues in the field of mental health and criminal justice, and by indicating that you will appoint a special subcommittee to address this area. This is a subject that has been of great interest to the committee for several years, and we recognize that there are no easy answers or short-term fixes.

We know, for example, that at least 16 percent of our jail population, and more than that in our larger jails, are persons with mental illnesses. Many would not be in jail except for their mental illness. And while it is important that we provide better treatment services in jail, it is even more important that we divert as many of these persons as possible from jail in the first place, consistent with public safety and sound treatment practice.

We have made much progress this year in updating our commitment statutes for the first time in more than three decades, and in providing new resources for mental health, but we have miles to go before we resolve the challenge of mental health in the criminal justice system. We pledge our greatest efforts to move forward in this area over the coming year.

Mr. Chairman, this completes the report of your subcommittee.

Respectfully Submitted,

The Honorable Janet D. Howell, Chairman

The Honorable Walter A. Stosch

The Honorable Kenneth W. Stolle

The Honorable Frederick M. Quayle

The Honorable Henry L. Marsh, III

The Honorable L. Louise Lucas

The Honorable William Roscoe Reynolds

	A	B	C	D	E	F	G	H	I	J
1	REPORT OF THE SUBCOMMITTEE ON PUBLIC SAFETY (2008 SESSION)									
2	(Recommended Amendments to SB 29 and SB 30, As Introduced. General Funds (\$) only. Nongeneral Funds shown as NGF.)									
3										
4		Amendment		FY 2008		FY 2009		FY 2010		Biennium
5										
6		Secretary of Public Safety								
7		Report on Notification of Wrongfully Incarcerated Offenders				Language				
8		Department of Corrections								
9		Report on Mission of DOC Detention and Diversion Centers				Language				
10		Report on Options for Increased Diversion of Lower-Risk, Non-Violent Offenders				Language				
11		Report on Options for Increased Diversion of Geriatric Offenders				Language				
12		Richmond City Jail (Language: Report on Regional Options)				Language				
13		Virginia Beach City Jail (work release/quarantine facility)				Language				
14		Southern Virginia Regional Jail (Martinsville, Patrick and Henry Counties)				Language				
15		Chesapeake City Jail (addition)				Language				
16		Virginia Peninsula Regional Jail (work release center)				Language				
17		Prince William-Manassas Regional Jail (2nd addition)				Language				
18		Report on Jail Projects Approved by Board of Corrections				Language				
19		Board of Corrections - Jail Approval and Oversight (clarification)				Language				
20		Hampton Roads Regional Jail and Portsmouth City Jail				Language				
21		Greener Pastures (1 FTE, NGF)				0		0		0
22		Craigsville Wastewater Treatment Plant (Language: 56% state share)				(1,000,000)		(1,522,469)		(2,522,469)
23		Land Conveyance in Culpeper County				Language				
24		Therapeutic Incarceration (eliminate proposed language)				Language				
25		Remove support positions from transition centers (-3 FTE)				(113,097)		(150,798)		(263,895)
26		Delayed opening of St. Brides-Phase 2 (800 beds)				(10,800,000)		0		(10,800,000)
27		Charlotte County Correctional Facility				Language				
28		Department of Criminal Justice Services								
29		Immigration Training (language)				150,000		150,000		300,000
30		Adjust NGF for regional training academies				NGF		NGF		NGF
31		Public Safety Memorial (Replace GF with NGF)				(45,000)		0		(45,000)
32		Reduce GF match for federal grants (language)				0		(100,000)		(100,000)
33		HB 599 (fully fund in FY 2009 consistent with growth in GF revenues)				2,500,000		2,500,000		5,000,000
34		Department of Emergency Management								
35		Employment of non-covered persons for disaster recovery (GOV)				Language				
36		Transfer E-911 NGF and 10 FTE back to VITA				NGF		NGF		NGF
37		State Coordinator to chair Wireless E-911 Services Board (GOV)				Language				
38		Department of Forensic Science								
39		Notification of Offenders of New Biological Evidence				Language				
40		Department of Juvenile Justice								
41		Report on Juvenile Gangs				Language				
42		Report on Juvenile Delinquency Prevention Programs				Language				
43		Beaumont Cottages - Technical Corrections (GOV)				Language				
44		Department of State Police								
45		Federal grant for high-tech crimes (one-time)				NGF		0		NGF

	A	B	C	D	E	F	G	H	I	J
46		Expand Sex Offender Registration Requirements (SB 590)				59,345		58,133		117,478
47		Determine Legal Status of Inmates (SB 609)				62,220		8,040		70,260
48		Clarify Authority to Replace Helicopters (GOV)				Language				
49		Maintain Current Level of Safety Inspections (SB 526 carried over)				Language				
50		Additional Troopers on MWAA Dulles Toll Road				Language				
51		Department of Veterans Services								
52		Wounded Warrior Program - SB 297 (4 FTE, plus NGF)				250,000		250,000		500,000
53										
54		Sub-Total - Public Safety		0		(8,936,532)		1,192,906		(7,743,626)

Public Safety

Secretary Of Public Safety

Language

Language:

Page 350, following line 30, insert:

"C. The Secretary shall convene a task force, including representatives of the Office of the Attorney General, the Virginia State Bar, Commonwealth's Attorneys, the Virginia Indigent Defense Commission, the Virginia Parole Board, the Department of Forensic Science, the criminal defense bar, and such other representatives as he may deem appropriate, to develop protocols for persons convicted of crimes in cases when the Department of Forensic Science has determined that biological evidence has been located which may exonerate such persons of the crimes for which they were convicted. Any such protocol shall give priority to those persons who are currently incarcerated in Virginia state correctional facilities for such crimes. The task force shall also address the feasibility of providing legal representation on a pro bono basis for such persons who, if they are exonerated for the crimes for which they were convicted and who were wrongfully incarcerated for those crimes in Virginia state correctional facilities, may seek relief pursuant to Sections 8.01-195.10 through 8.01-195.12 of the Code of Virginia. The Secretary shall provide a report, including protocols, timeframes, and costs associated with the implementation of such notifications, to the Governor and the Chairmen of the Senate Committees on Courts of Justice and Finance and the House Committees on Courts of Justice and Appropriations, no later than September 1, 2008."

Explanation:

(This amendment directs the Secretary of Public Safety to report on steps to address the notification and representation of persons convicted of crimes who may subsequently be exonerated through further testing of biological evidence.)

Public Safety

Department Of Corrections

Language

Language:

Page 353, strike lines 14 through 37 and insert:

"B. The Department of Corrections, in consultation with the Virginia Criminal Sentencing Commission, shall prepare a report on options for restructuring the mission and operation of the state-operated diversion and detention centers, with the intent of increasing the utilization of these facilities. Copies of the report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by October 1, 2008."

Explanation:

(This amendment eliminates authority for probation officers to commit offenders to state-operated diversion or detention centers without the approval of the sentencing judge, consistent with Senate Bills 451 and 611 of the 2008 General Assembly, and directs the department to review potential options for restructuring the mission and operation of these facilities in order to increase their utilization.)

Item 387 #2s

Public Safety

Department Of Corrections

Language

Language:

Page 353, following line 13, insert:

"B. The Department of Corrections shall report on its progress in implementing evidence-based practices in selected probation and parole districts, and recommended steps to expand this initiative into additional districts. The report shall place particular emphasis on measuring the effectiveness of these practices in reducing recidivism. Copies of the report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2008.

C. The Department of Corrections shall report on the potential costs and benefits of steps which would be required to divert up to 50 percent of prison-bound, nonviolent offenders who have scored no more than 38 points on the risk assessment instrument of the Virginia Criminal Sentencing Commission. The department shall consult with the commission on developing appropriate steps to secure the input of the Judicial Department in conducting this study. Copies of the report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2008.

D. The Department of Corrections shall report on the comparative costs and benefits of state operation compared to contracting for privately-operated minimum security pre-release or transitional facilities for offenders who are leaving prison, and return-to-custody facilities for habitual technical probation violators. Copies of the

report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2008."

Page 353, line 14, strike "B" and insert "E".

Page 353, line 38, strike "C" and insert "F".

Explanation:

(This amendment directs the Department of Corrections to undertake a series of studies aimed at the expansion of programs which have been shown to be successful in reducing recidivism and the expansion of diversion programs for lower-risk nonviolent offenders from prison to less expensive facilities and programs.)

Item 387 #3s

Public Safety

Department Of Corrections

Language

Language:

Page 353, following line 13, insert:

"B. The Department of Corrections and the Virginia Parole Board shall report on the comparative costs and benefits of state operation compared to contracting for privately-operated minimum security assisted living or nursing facilities, or other appropriate facilities or programs for lower-risk geriatric offenders. Copies of the report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2008."

Page 353, line 14, strike "B" and insert "C".

Page 353, line 38, strike "C" and insert "D".

Explanation:

(This amendment directs the Department of Corrections and the Virginia Parole Board to study potential options for diverting lower-risk geriatric offenders from state correctional facilities to alternative facilities or programs.)

Item 388 #1s

Public Safety

Department Of Corrections

Language

Language:

Page 354, after line 48 insert:

"g. The City of Richmond, in order to proceed in planning for the replacement of the existing jail and the development of associated community corrections services. 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 of a regional versus a local jail, including a comparative analysis of the long term operating costs and documentation that the City has determined whether or not there is interest in the surrounding jurisdictions in developing a regional jail project."

Explanation:

(This amendment authorizes the City of Richmond to move forward through the statutory planning process to request the approval of the State Board of Corrections for a jail construction project and the associated community corrections services to replace the existing city jail, and encourages the city to consider partnering with other localities to propose a regional jail project.)

Item 388 #2s

Public Safety

Department Of Corrections

Language

Language:

Page 354, following 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. Upon approval by the Board of Corrections, the Commonwealth will reimburse the City for up to 25 percent of the capital cost of this facility.)

Public Safety

Department Of Corrections

Language

Language:

Page 354, strike lines 34 through 48 and insert:

"g. The Southern Virginia Regional Jail Authority, in order to proceed in planning for a regional jail serving Patrick and Henry Counties and the City of Martinsville."

Explanation:

(This amendment authorizes the Southern Virginia Regional Jail Authority to submit the required plans to the Board of Corrections for its review and approval as the first step in developing a regional jail and the associated community corrections services for Patrick and Henry Counties and the City of Martinsville. Upon approval by the Board of Corrections, the Commonwealth will reimburse the authority for up to fifty percent of the capital cost of the regional jail.)

Public Safety

Department Of Corrections

Language

Language:

Page 354, following line 48, insert:

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

Explanation:

(This amendment authorizes the City of Chesapeake to submit the required plans for the expansion of its jail and the associated community corrections services to the Board of Corrections for its review and approval. Upon approval by the Board of Corrections, the Commonwealth will reimburse the city for up to 25 percent of the capital cost of the expansion.)

Public Safety

Department Of Corrections

Language

Language:

Page 354, strike lines 34 through 48 and insert:

"g. The Virginia Peninsula Regional Jail Authority, in order to proceed in planning for a work release facility at the regional jail."

Explanation:

(This amendment authorizes the Virginia Peninsula Regional Jail Authority to submit a community based corrections plan and planning study for a new work release facility to the Board of Corrections for its review and approval. Upon approval by the Board of Corrections, the Commonwealth will reimburse the authority for up to 50 percent of the capital cost of the project.)

Item 388 #8s

Public Safety

Department Of Corrections

Language

Language:

Page 354, following line 48, insert:

"g. The Prince William-Manassas Regional Jail Authority, in order to proceed in planning for a second expansion of its adult detention center."

Explanation:

(This amendment authorizes the Prince William-Manassas Regional Jail Authority to submit the required plans for a second expansion of its adult detention center and the associated community corrections services to the Board of Corrections for its review and approval. Upon approval by the Board of Corrections, the Commonwealth will reimburse the authority for up to 50 percent of the approved capital cost of the expansion.)

Item 388 #9s

Public Safety

Department Of Corrections

Language

Language:

Page 355, following line 35, insert:

"E. The Department of Corrections shall provide an annual report on the status of jail construction and renovation projects as approved by the Board of Corrections. The report shall be limited to those projects which increase bed capacity. The report shall include a brief summary description of each project, the total capital cost of the project and the approved state share of the capital cost, the number of beds approved, along with the net number of new beds if existing beds are to be removed, and the closure of any existing facilities, if applicable. The report shall include the six-year population forecast, as well as the double-bunking capacity compared to the rated capacity for each project listed. The report shall also include the general fund impact on community corrections programs as reported by the Department of Criminal Justice Services, and the recommended financing arrangements and estimated general fund requirements for debt service as provided by the State Treasurer. Copies of the report shall be provided by January 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees."

Page 355, line 36, strike "E" and insert "F".

Explanation:

(This amendment requires an annual report on jail construction and renovation projects approved during the previous year by the Board of Corrections.)

Item 388 #10s

Public Safety

Department Of Corrections

Language

Language:

Page 354, line 1, strike "standards or life safety code requirements" and insert: "Standards or life, health, and safety code requirements".

Page 355, line 43, after "subject to the" insert "operational".

Explanation:

(This amendment clarifies the technical language concerning the responsibilities of the Board of Corrections for approving emergency jail construction or renovation projects which are required to comply with standards adopted by the board, and also clarifies that local and regional jail facilities in Virginia are subject to the operational provisions of the relevant sections of the Code of Virginia.)

Item 388 #11s

Public Safety

Department Of Corrections

Language

Language:

Page 354, following line 48, insert:

"g. The Hampton Roads Regional Jail, in order to proceed to planning for additional space at the existing regional jail complex in Portsmouth, in order to accommodate the closure of the existing Portsmouth City Jail. No state funds shall be approved for any capital costs associated with the renovation, enlargement, or replacement of the existing Portsmouth City Jail on its existing site."

Explanation:

(This amendment authorizes the Hampton Roads Regional Jail to submit a community based corrections plan and planning study for an expansion of the regional jail to the Board of Corrections for its review and approval. Upon approval by the Board of Corrections, the Commonwealth will reimburse the authority for up to 50 percent of the approved capital cost of the facility expansion.)

Item 390 #1s

Public Safety

Department Of Corrections

FY 08-09

\$50,000

1.00

FY 09-10

\$50,000

1.00

NGF

FTE

Language:

Page 356, line 42, strike "\$914,521,739" and insert "\$914,571,739".

Page 356, line 42, strike "\$914,929,668" and insert "\$914,979,668".

Explanation:

(This amendment provides one position and no additional funds each year for the Greener Pastures program at James River Correctional Center. This program is a partnership with the Thoroughbred Retirement Foundation to provide rehabilitation and training in horse management to low-security inmates using former racehorses rescued from possible neglect, abuse or slaughter.)

Item 390 #2s

Public Safety

Department Of Corrections

FY 08-09

(\$1,000,000)

FY 09-10

(\$1,522,469) GF

Language:

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

Page 356, line 42, strike "\$914,929,668" and insert "\$913,407,199".

Page 361, strike lines 18 through 30.

Page 361, line 31, strike "of Craigsville." and insert:

E.1. The Commonwealth shall provide for its estimated 56 percent of the capital cost of constructing a wastewater treatment plant to be operated by the Town of Craigsville. The state share of the construction cost for this project shall consist of three parts: (i) a grant of up to \$2,700,000 from the Water Quality Improvement Program of the Department of Environmental Quality, in furtherance of the Chesapeake Bay plan; (ii) a 20-year loan with a principal amount of \$2,384,191, more or less, from the Department of Environmental Quality, to be repaid with general funds as provided in this Item; and (iii) a cash payment for the balance of the state share to be financed with bonds issued by the Virginia Public Building Authority. The cash payment financed with VPBA bonds shall not be allotted by the Department of Planning and Budget until the Department of Corrections has entered into a contract with the Town of Craigsville as provided in Paragraph E.2. of this item."

Page 356, at the beginning of line 31, insert "2."

Page 361, strike lines 47 through 54 and insert:

"of the treatment plant. After such contract between the department and the town has been entered into and a construction contract for the facility has been entered into by the town, the Department of Planning and Budget shall provide a report to the Chairmen of the Senate Finance and House Appropriations Committee with recommendations for financing the remaining portion of the state share for this project with Virginia Public Building Authority bonds to be approved at the next session of the General Assembly."

Explanation:

(This amendment clarifies legislative intent that the Commonwealth will meet the estimated 56 percent state share of the capital cost for a new wastewater treatment plant for the Town of Craigsville, through a combination of grants, loans and bonds. An estimated 56 percent of the treatment capacity of this plant is required for Augusta Correctional Center.)

Public Safety

Department Of Corrections

Language

Language:

Page 360, following line 6, 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 Correctional Center and the Department of Juvenile Justice's Culpeper Juvenile Correctional Center (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 and 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, based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of the water service line from 8 inches to 12 inches, in order to accommodate planned County needs."

Explanation:

(This amendment provides for the conveyance of about 45 acres at the Coffeewood Correctional Center to Culpeper County as part of an arrangement to provide for the provision of expanded water capacity for state adult and juvenile facilities at the site.)

Public Safety

Department Of Corrections

Language

Language:

Page 359, strike lines 21-59.

Page 360, strike lines 1-6.

Explanation:

(This amendment eliminates proposed language in the budget, as introduced, authorizing a therapeutic incarceration program. Proposed legislation authorizing this program was not adopted by the General Assembly.)

Item 390 #5s

Public Safety	FY 08-09	FY 09-10	
Department Of Corrections	(\$113,097)	(\$150,798)	GF
	-3.00	-3.00	FTE

Language:

Page 356, line 42, strike "\$914,521,739" and insert "\$914,408,642".

Page 356, line 42, strike "\$914,929,668" and insert "\$914,778,870".

Page 358, line 51, strike "595,521" and "761,394" and insert "482,424" and "610,596".

Explanation:

(This amendment reduces the funding included in the introduced budget for three pilot transition centers by \$113,097 the first year and \$150,798 the second year and three positions each year from the general fund. Support services for these pilot programs will be provided by the existing correctional facility staff.)

Item 390 #6s

Public Safety	FY 08-09	FY 09-10	
Department Of Corrections	(\$10,800,000)	\$0	GF

Language:

Page 356, line 42, strike "\$914,521,739" and insert "\$903,721,739".

Explanation:

(This amendment defers the opening of Phase II at St. Brides Correctional Center in the City of Chesapeake until July 1, 2009.)

Item 391 #3s

Public Safety	
Department Of Corrections	Language

Language:

Page 362, strike lines 2 through 11 and insert:

G.1. The Department shall continue planning for the new correctional facility in Charlotte County. This facility shall be designed and operated with the objective of reducing the rate of recidivism. The design shall include one or more dormitory-style units to house transition centers for inmates about to be released from incarceration, return-to-custody centers for habitual technical probation violators, or similar programs. The facility shall maximize the provision of vocational education, substance abuse treatment, and intensive cognitive remediation treatment programs, using practices that have been demonstrated by widely accepted evidence to be effective in reducing recidivism. The facility plan shall also include transitional services linked with regional reentry councils, district probation offices and related public and private agencies, as well as the proposed strategy for measuring the effectiveness of this facility in reducing recidivism. The Department shall provide a report on the proposed design, the levels and types of programs, and the proposed reentry plan for this facility to the Chairmen of the Senate Finance and House Appropriations Committee by July 1, 2008."

Explanation:

(This amendment expresses the intent of the General Assembly that the new state correctional facility in Charlotte County be designed and operated with the objective of reducing the rate of recidivism.)

Item 395 #1s

Public Safety	FY 08-09	FY 09-10	
Department Of Criminal Justice Services	\$150,000	\$150,000	GF

Language:

Page 363, line 40, strike "\$81,939,599" and insert "\$82,089,599".

Page 363, line 40, strike "\$81,894,599" and insert "\$82,044,599".

Page 366, following line 21, insert:

"K. Included in the amounts appropriated in this Item are \$150,000 the first year and \$150,000 the second year from the general fund for the Virginia Center for Policing Innovation, for basic training for local law enforcement agencies in Virginia in immigration law and policy and Spanish language."

Explanation:

(This amendment provides \$150,000 each year from the general fund for basic training in immigration law and policy and Spanish language for local law enforcement officers.)

Item 395 #7s

Public Safety	FY 08-09	FY 09-10	
Department Of Criminal Justice	\$275,000	\$275,000	NGF
Services			

Language:

Page 363, line 40, strike "\$81,939,599" and insert "\$82,214,599".

Page 363, line 40, strike "\$81,894,599" and insert "\$82,169,599".

Page 364, line 22, strike "an estimated".

Page 364, line 23, strike "1,500,000" and "an estimated 1,500,000" and insert "1,775,000" and "1,775,000".

Explanation:

(This amendment provides an additional \$275,000 each year from nongeneral funds for regional law enforcement training academies, to reflect anticipated revenues from court fees, which are allocated by law to the academies.)

Item 395 #10s

Public Safety	FY 08-09	FY 09-10	
Department Of Criminal Justice	(\$45,000)	\$0	GF
Services	\$45,000	\$0	NGF

Language:

Page 366, strike lines 19 through 21.

Explanation:

(This amendment replaces general funds with nongeneral funds for planning a public safety memorial.)

Item 395 #11s

Public Safety	FY 08-09	FY 09-10	
Department Of Criminal Justice Services	\$0	(\$100,000)	GF

Language:

Page 363, line 40, strike "\$81,894,599" and insert "\$81,794,599".

Page 364, line 1, strike "A" and insert "A.1".

Page 364, line 11, strike "829,930" and insert "729,930".

Page 364, following line 13, insert:

"2. The Department of Criminal Justice Services shall provide a summary report on federal anti-crime and related grants which will require state general funds for matching purposes during fiscal year 2010 and beyond. The report shall include a list of each grant and grantee, the purpose of the grant, and the amount of federal and state funds recommended, organized by topical area and fiscal period. The report shall indicate whether each grant represents a new program or a renewal of an existing grant. Copies of this report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by January 1 of each year."

Explanation:

(This amendment reduces the appropriation for matching funds for federal grants for state agencies by \$100,000 the second year from the general fund. It is anticipated that federal anti-crime grants will continue to be reduced, and that greater scrutiny will be required to determine the highest priorities for allocating state matching funds.)

Item 397 #8s

Public Safety	FY 08-09	FY 09-10	
Department Of Criminal Justice Services	\$2,500,000	\$2,500,000	GF

Language:

Page 366, line 28, strike "\$205,001,876" and insert "\$207,501,876".

Page 366, line 28, strike "\$205,001,876" and insert "\$207,501,876".

Explanation:

(This amendment provides \$2,500,000 each year from the general fund to restore funding for state aid to localities with police departments (pursuant to House Bill 599

of the 1979 General Assembly). With this additional amount, the total funding provided for fiscal year 2009 is consistent with the statutory requirement that the amounts be increased at the same percentage rate as state general fund revenues are increasing. The second year amount for fiscal year 2010 is level funded.)

Item 400 #1g

Public Safety

Department Of Emergency
Management

Language

Language:

Page 368, line 34, before "Included", insert "A."

Page 368, after line 41, insert:

"B. Subject to authorization by the Governor, the Department of Emergency Management may employ persons in "non-covered employee" positions to assist in response and recovery operations for emergencies or disasters declared either by the President of the United States or by the Governor of Virginia. Such employees shall be compensated solely with funds authorized by the Governor or the federal government for the emergency, disaster, or other specific event for which their employment was authorized. The Director, Department of Planning and Budget, is authorized to increase the agency's employment level based on the number of "non-covered employee" positions approved by the Governor."

Explanation:

(This amendment authorizes the Department of Emergency Management to employ people in "non-covered employee" positions to assist in response and recovery operations for emergencies or disasters.)

Item 403 #1s

Public Safety

Department Of Emergency
Management

FY 08-09

(\$49,818,979)
-10.00

FY 09-10

(\$48,113,801)
-10.00

NGF
FTE

Language:

Page 369, line 21, strike "\$49,818,979" and insert "\$0".

Page 369, line 21, strike "\$48,113,801" and insert "\$0".

Explanation:

(This amendment is the first of two companion amendments which restore the Enhanced 911 emergency telecommunications program to the Virginia Information Technologies Agency. The introduced budget transferred this program from VITA to the Department of Emergency Services. A companion amendment to Item 431.10 will add these funds and positions back to VITA.)

Item 403 #1g

Public Safety

Department Of Emergency
Management

Language

Language:

Page 369, after line 51, insert:

"C. Notwithstanding the provisions of §§ 56-484.13 and 56-484.17, Code of Virginia, the State Coordinator of Emergency Management, shall serve as chairman of the Wireless E-911 Services Board and shall be the official who shall approve requests for expenditures and disbursements from the Wireless E-911 Fund. The Chief Information Officer of the Commonwealth shall serve as a member of the Board."

Explanation:

(This amendment is self-explanatory.)

Item 408 #1s

Public Safety

Department Of Forensic Science

Language

Language:

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

Page 371, following line 22, insert:

"B. The Forensic Science Board shall insure that all individuals who were convicted as a result of criminal investigations, for which the Department of Forensic Science case files between the years of 1973 and 1988 were found to contain evidence that

may be suitable for DNA testing, are informed of the existence of such evidence and its availability for testing. To effectuate this requirement, the Department of Forensic Science shall provide the Board with all necessary information concerning the 1973-1988 case files in which evidence has been located, including all names and identifying information for any convicted defendants and whether DNA testing has been conducted on the evidence. The Board shall send one of two form letters prepared by the Board; one to each person where DNA testing was conducted, and one to each person where DNA testing was not conducted, with copies of each such letter sent to the respective Chairmen of the Senate and House Committees on Courts of Justice. The letter to be sent in cases where DNA testing was conducted shall include the procedures for obtaining the Certificate of Analysis from the Department of Forensic Science. The Department of Corrections shall assist the Board by providing the current addresses of all such persons to whom letters shall be sent, and whether they are 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 Board with all identifying information concerning the person, including their social security numbers and their last known address. The Chairman of the Forensic Science Board shall report on the progress of this notification process at each meeting of the Forensic Science Board."

Explanation:

(This amendment requires the Department of Forensic Science to contact those convicted offenders whose cases may be reconsidered due to the availability of evidence in case files from 1973 through 1988 which may be suitable for DNA testing.)

Item 410 #1s

Public Safety

Department Of Juvenile Justice

Language

Language:

Page 372, at the beginning of line 3, insert "A."

Page 372, following line 8, insert:

"B. The Department of Juvenile Justice shall prepare a report on the extent of juvenile gang activity as it affects the operation of court services units, local and regional detention facilities, and state juvenile correctional facilities. The report shall describe the programs which the department has developed to address gang activity, along with recommendations for further actions. Copies of the report shall be

provided by September 1, 2008 to the Secretary of Public Safety and to the Chairmen of the Senate Finance and House Appropriations Committees."

Explanation:

(This amendment directs the Department of Juvenile Justice to prepare a study of the effect of juvenile gangs on the operations of Virginia's juvenile courts and juvenile correctional facilities.)

Item 410 #2s

Public Safety

Department Of Juvenile Justice

Language

Language:

Page 372, at the beginning of line 3, insert "A."

Page 372, following line 8, insert:

"B. The Department of Juvenile Justice shall prepare a report on the level of federal, state, local and other funding of current juvenile delinquency prevention programs in Virginia, and an assessment of the current state of evaluation research in juvenile delinquency prevention, both nationally and in Virginia. The report shall include a review of the current utilization of funds provided through the Virginia Juvenile Community Crime Control Act. Copies of the report shall be provided by September 1, 2008 to the Secretary of Public Safety and to the Chairmen of the Senate Finance and House Appropriations Committees."

Explanation:

(This amendment directs the Department of Juvenile Justice to prepare a study of the effectiveness of existing juvenile delinquency prevention activities funded through the Virginia Juvenile Community Crime Control Act and other sources.)

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 amounts appropriated to the Department of Juvenile Justice to contract for the operation of a juvenile transitional program at two cottages at the Beaumont Juvenile Correctional Center.)

Item 419 #2s

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

Language:

Page 377, line 3, strike "\$44,437,263" and insert "\$44,537,263".

Page 378, following line 19, insert:

"G. Included within this appropriation is \$100,000 the first year from federal funds to be utilized by the Computer Evidence Recovery Unit and the High Technology Crime Unit of the Department of State Police for enhanced high-technology crime fighting capabilities."

Explanation:

(This amendment provides \$100,000 the first year from an anticipated federal grant for enhanced high technology crime-fighting capabilities.)

Item 419 #3s

Public Safety	FY 08-09	FY 09-10
Department Of State Police	\$59,345	\$58,133 GF

Language:

Page 377, line 3, strike "\$44,437,263" and insert "\$44,496,608".

Page 377, line 3, strike "\$47,913,263" and insert "\$47,971,396".

Explanation:

(This amendment provides \$59,345 the first year and \$58,133 the second year from the general fund for the Sex Offenders and Crimes Against Minors Registry to maintain compliance with the federal Adam Walsh Child Protection and Safety Act of 2006. This amendment is contingent upon final passage of Senate Bill 590.)

Item 419 #4s

Public Safety	FY 08-09	FY 09-10	
Department Of State Police	\$62,220	\$8,040	GF

Language:

Page 377, line 3, strike "\$44,437,263" and insert "\$44,499,483".

Page 377, line 3, strike "\$47,913,263" and insert "\$47,921,303".

Explanation:

(This amendment provides \$62,220 the first year and \$8,040 the second year from the general fund to develop an automated link between the Compensation Board and the federal Immigration and Customs Enforcement agency to determine the legal status of inmates in state and local correctional facilities. This amendment is contingent upon final passage of Senate Bill 609.)

Item 420 #1g

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 of State Police to replace two aging helicopters. Funding for the debt service on the financing of this 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.)

Item 420 #3s

Public Safety

Department Of State Police

Language

Language:

Page 380, strike lines 28 through 40.

Page 380, line 41, strike "L" and insert "K".

Explanation:

(This amendment eliminates proposed language which would have reduced the frequency of State Police random inspections of the locations that perform the motor vehicle safety inspections required by state law, and would have redeployed the equivalent of at least 25 State Troopers from the inspection program. Companion legislation introduced to accomplish this proposal was carried over to the 2009 General Assembly by the Senate Committee on Transportation.)

Item 420 #4s

Public Safety

Department Of State Police

Language

Language:

Page 380, strike lines 28 through 40.

Page 380, strike line 45 and insert:

"Metropolitan Washington Airports Authority (the Authority). No funds may be expended for this purpose prior to the presentation of a report by the Authority, in cooperation with the Department of State Police, on the need for additional State Troopers on the Dulles Access Road, as quantified utilizing the standard methodology of the Department in its Manpower Augmentation Study of September 2007, to the Chairmen of the Senate Finance and House Appropriations Committees."

Explanation:

(This amendment requires a report by the Metropolitan Washington Airports Authority on the need for additional State Troopers on the Dulles Access Road.)

Item 425 #3s

Public Safety

Department Of Veterans Services

FY 08-09

\$250,000

FY 09-10

\$250,000 GF

\$150,000	\$150,000	NGF
4.00	4.00	FTE

Language:

Page 382, line 11, strike "\$3,582,901" and insert "\$3,982,901".

Page 382, line 11, strike "\$3,582,901" and insert "\$3,982,901".

Explanation:

(This amendment provides \$250,000 and four positions each year from the general fund and an additional \$150,000 from nongeneral funds for the Wounded Warrior program. This program is intended to provide assistance in obtaining and coordinating medical, mental health and other veterans services for Virginia soldiers returning from active duty combat operations who have traumatic brain injury, post-traumatic stress disorder, and other serious physical and mental injuries. The sources of the nongeneral funds may include federal funds, grants, or private contributions. A companion amendment to Item 315 provides \$500,000 from the general fund the first year for the Community Services Boards for this program. These amendments are contingent upon final passage of Senate Bill 297.)

Item 3-1.01 #3s

Transfers

Interfund Transfers

Language

Language:

Page 491, line 5, after "June 30, 2009." insert:

"In addition, an amount of \$1,420,385 the first year and \$1,550,385 the second year shall be deposited into the general fund before June 30 of each year, from operating efficiencies to be implemented by the department."

Explanation:

(This amendment provides for a five percent reduction each year in the central administrative budget for the Department of Alcoholic Beverage Control. This reduction is not applied to the purchase of merchandise for resale or to retail store operations.)