



Report of the Subcommittee on
Public Safety

Senate Finance Committee
Virginia General Assembly

February 18, 2009

ADJUSTED REPORT OF THE SUBCOMMITTEE ON PUBLIC SAFETY

(Recommended Amendments to Substitute for HB 1600, As Engrossed)

Amendment	General Funds		Federal Funds
	FY 2009	FY 2010	
Department of Correctional Education			
DCE - Eliminate ten additional teachers	0	(730,000)	(730,000)
Department of Corrections			
DOC - Early Release (adjust language to restrict eligibility)	0	Language	Language
DOC - Behavioral Corrections (restrict eligibility)	0	Language	Language
DOC - Electronic Incarceration Pilot Project	0	Language	Language
DOC - Jail capital project approval (joint subcommittee)	0	Language	Language
DOC - Authorization to market contract beds	0	Language	Language
DOC - Transfer Chatham Diversion Center to Pittsylvania Co.	0	Language	Language
DOC - Additional budget reduction target*	0	(5,500,000)	(5,500,000)
DOC - Restore substance abuse treatment funds in probation	0	400,000	400,000
DOC - SB 816: Assault & battery - fire marshal (30-19.1:4)	0	49,092	49,092
DOC - SB 951: Assault & battery - MWA officer (30-19.1:4)	0	13,810	13,810
DOC - Correctional Enterprises "remanufacturing"	0	Language	Language
Department of Criminal Justice Services			
DCJS - HB 599 (level funding in FY 2010)*	0	0	0
DCJS - Byrne Justice Assistance Grant (JAG)**	0	0	0
DCJS - Authorize Hanover CJ Training Academy	0	Language	Language
DCJS - Reduce earmark for Alzheimer's Association	0	(25,000)	(25,000)
DCJS - Reduce earmark for immigration training	0	(50,000)	(50,000)
DCJS - Internet Crimes Against Children Task Forces	1,500,000	400,000	1,900,000
DCJS - Move FY 2009 ICAC funds from Item 397 to 395	(1,500,000)	0	(1,500,000)
DCJS - Local community corrections and pre-trial release	0	(1,500,000)	(1,500,000)
Department of Emergency Management			
DEM - Replace Hazmat Funding	0	275,000	275,000
Department of Juvenile Justice			
DJJ - Hanover Juvenile Correctional Center (fund switch)*	0	(1,800,000)	(1,800,000)
DJJ - Restore Virginia Wilderness Institute	0	1,000,000	1,000,000
DJJ - Restore mental health treatment positions (12 FTE)	0	800,000	800,000
DJJ - Reprogram unexpended VJCCCA Funds	0	Language	Language
			3,000,000
			6,644,182
			23,300,000
			1,800,000

Amendment	General Funds		Biennium	Federal Flexible Fund
	FY 2009	FY 2010		
Department of Military Affairs				
DMA - Eliminate Commonwealth Challenge Program	0	(1,116,861)	(1,116,861)	
Department of State Police				
DSP - Defer State Trooper Basic Schools (Option 1)*	0	(7,079,633)	(7,079,633)	3,300,478
DSP - NVA ICAC Task Force (unexpended first year funds)	(125,000)	0	(125,000)	
DSP Sex Offender Registry (fee for bulk sale of information)	0	Language	Language	
Department of Veterans Services				
DVS - Wounded Warrior Program (delayed filling of positions)	(200,000)	0	(200,000)	
DVS - Restore Electronic Claims System Pilot Project	50,000	0	50,000	
Virginia Parole Board				
VCSC - Review of Parole Board data (General Government)	0	Language	Language	
Part 3 (Transfers)				
Department of Fire Programs				
Increase Reduction in Fire Programs Fund from 5% to 7% (Transfer \$440,000 NGF)				
Virginia Alcohol Safety Action Program				
VASAP transfer for DOC substance abuse treatment programs (General Government)				
Part 4 (General Provisions)				
Department of State Police				
Clarification of 4-5.02 (Employment of Attorneys)				
Sub-Total - Public Safety	(275,000)	(14,863,592)	(15,138,592)	38,044,660

* Includes allocation of federal funds from the flexible fund component of the State Fiscal Stabilization Fund, American Recovery and Reinvestment Act of 2009
 ** Contingent upon federal funds available under the Byrne Memorial Justice Assistance Grant component of the federal stimulus legislation

Public Safety

Department Of Corrections

Language

Language:

Page 432, strike lines 23-30 and insert:

"behavioral correction program. Offenders eligible for such a program shall be those offenders: (i) who have never been convicted of a violent felony as defined in Section 17.1-805 of the Code of Virginia and who have never been convicted of a felony violation of Sections 18.2-248 and 18.2-248.1 of the Code of Virginia; (ii) for whom the sentencing guidelines developed by the Virginia Criminal Sentencing Commission would recommend a sentence of three years or more in facilities operated by the Department of Corrections; and (iii) whom the court determines require treatment for drug or alcohol substance abuse."

Page 432, line 38, strike "18" and insert "24".

Explanation:

(This amendment restricts the definition of those offenders who would be eligible for the Behavioral Corrections Program, as proposed in the budget, as introduced, in order to exclude violent offenders, as defined for purposes of the sentencing guidelines system, and drug dealers. This exclusion specifically applies to previous as well as current convictions.)

Public Safety

Department Of Corrections

Language

Language:

Page 433, following line 8, insert:

"K. It is the intention of the General Assembly that Section 53.1-47 of the Code of Virginia, concerning articles and services produced or manufactured by persons confined in state correctional facilities, shall be construed such that the term "manufactured" articles shall include "remanufactured" articles."

Explanation:

(This amendment clarifies the intent of the General Assembly that manufactured articles produced by Virginia Correctional Enterprises include remanufactured

articles.)

Item 391 #1s

Public Safety

Department Of Corrections

Language

Language:

Page 434, strike lines 31-35 and insert:

"i. the inmate has never been convicted of an offense considered to be a violent offense pursuant to Section 17.1-805 of the Code of Virginia and the inmate has never been convicted of a felony violation of Sections 18.2-248 or 18.2-248.1 of the Code of Virginia."

Explanation:

(This amendment restricts the definition of those offenders who would be eligible for the 90-day early release program proposed in the budget, as introduced, in order to exclude violent offenders, as defined for purposes of the sentencing guidelines system, and drug dealers. This exclusion specifically applies to previous offenses as well as current offenses.)

Item 395 #5s

Public Safety

Department Of Criminal Justice
Services

FY 08-09

\$0

FY 09-10

\$23,300,000

NGF

Language:

Page 438, line 10, strike "\$85,093,914" and insert "\$108,393,914".

Page 441, following line 12, insert:

"M. The Board of Criminal Justice Services shall allocate the following amounts, contingent upon and only to the extent such funds shall be made available to the Commonwealth, under the Edward Byrne Memorial Justice Assistance Grant program, pursuant to the American Recovery and Reinvestment Act of 2009, and consistent with the requirements and provisions of that act, for the state share of the allocation:

1. For the Department of Criminal Justice Services, \$3,000,000 for expanded community corrections and pretrial release programs.

2. For the Department of Correctional Education, \$730,000 for ten additional teachers and related educational expenses in state adult correctional facilities.
 3. For the Department of Corrections, \$1,000,000 for a pilot program to expand the use of electronic incarceration for nonviolent, lower-risk offenders who have been sentenced to a term of incarceration of one year or more.
 4. For the Department of Corrections, \$400,000 for additional substance abuse treatment services administered by district probation and parole offices.
 5. For the Department of Corrections, \$2,625,000 for transitional therapeutic community substance abuse treatment programs.
 6. For the Department of Corrections, \$1,000,000 for counselors in state adult correctional facilities.
 7. For the Department of Juvenile Justice, \$1,500,000 for the Virginia Wilderness Institute.
 8. For the Department of Juvenile Justice, \$800,000 for twelve positions or purchase of services to provide mental health treatment in state juvenile correctional centers.
 9. For the Department of Juvenile Justice, \$1,300,000 for purchase of services for juvenile offenders in community treatment through the juvenile court services units operated by the department.
 10. For the Department of Juvenile Justice, \$800,000 to operate transitional cottages at Beaumont Juvenile Correctional Center.
 11. For the Department of State Police, \$1,500,000 to address the increased cost of gasoline for state highway patrol operations.
 12. For the Department of Mental Health, Mental Retardation and Substance Abuse Services, \$845,000 to divert persons with mental illness from jails.
- N. The Board of Criminal Justice Services shall allocate the following amounts, to the extent such funds shall be made available to the Commonwealth, under the Edward Byrne Memorial Justice Assistance Grant program, pursuant to the American Recovery and Reinvestment Act of 2009, and consistent with the requirements and provisions of that act, for that portion of the state share of the allocation which is required to be allocated by the Commonwealth to localities:
1. For police departments, \$4,800,000 for law enforcement, to be allocated to localities with police departments pursuant to Item 397 of this Act.
 2. For Sheriffs' offices, \$3,000,000 for law enforcement, to offset reductions contained in Item 69 of this Act.
- O. It is the intention of the General Assembly that the following program budget restorations represent the highest priorities for the utilization of the local share of additional federal funds, which may be received by localities under the Edward Byrne Memorial Justice Assistance Grant program, pursuant to the American Recovery and Reinvestment Act of 2009, and consistent with the requirements and

provisions of that act localities shall make the following restorations:

1. For Sheriffs, \$7,500,000 for local jail operations.
2. For Sheriffs, \$1,700,000 for local court services operations.
3. For Regional Jails, \$4,700,000 for regional jail operations.
4. For Sheriffs and Regional Jails, \$1,600,000 for jail per diems. In addition, any amounts remaining from these funds shall be allocated for the restoration of jail per diems."

Explanation:

(This amendment specifies the distribution of \$23,300,000 from Virginia's allocation from the Edward Byrne Memorial Justice Assistance Grant program, to the extent such funds are made available as part of the federal economic stimulus legislation, and consistent with the requirements and provisions of the American Recovery and Reinvestment Act of 2009. This amendment also directs further restorations to local Sheriffs and regional jails totaling \$15,500,000 from the local share of this grant program.)

Item 397 #4s

Public Safety	FY 08-09	FY 09-10	
Department Of Criminal Justice Services	\$0	\$6,644,182	NGF

Language:

Page 441, line 23, strike "\$190,651,745" and insert "\$197,295,927".

Page 441, strike lines 31-32 and insert:

"A.1. The funds appropriated in this Item shall be".

Page 441, strike lines 37-43 and insert:

"Virginia, the total amount to be distributed to localities shall be \$197,295,927 the first year and \$197,295,927 the second year. The amount to be distributed to each locality in the second year shall be equal to the amount distributed to the locality in the first year."

Page 441, following line 43, insert:

2. The Governor shall restore \$6,644,182 the second year for this item from funds received by the Commonwealth from the flexible fund component of the State Fiscal Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009."

Explanation:

(This amendment restores \$6,644,182 the second year from federal fiscal stimulus funds made available to the Commonwealth under the American Recovery and Reinvestment Act of 2009 for state aid to localities with police departments (HB 599 of 1979). With the addition of these funds, the HB 599 program will be level funded in fiscal year 2010, rather than reduced by \$6,644,182 below the fiscal year 2009 amount in the budget as introduced.)

Item 4-5.02 #1s

Special Conditions and Restrictions on Expenditures

Third Party Transactions

Language

Language:

Page 666, line 18, strike "1." and insert "1.a.".

Page 666, following line 24, insert:

"b. For purposes of this Act, "attorney" shall be defined as an employee or contractor who represents an agency before a court, board or agency of the Commonwealth of Virginia or political subdivision thereof. This term shall not include members of the bar employed by an agency who perform in a capacity that does not require a license to practice law, including but not limited to, instructing, managing, supervising or performing normal or customary duties of that agency."

Explanation:

(This amendment clarifies the intent of Section 4-5.02 of the General Provisions concerning the applicability of the requirement that all attorneys employed by any state agency are to be appointed by the Attorney General.)
