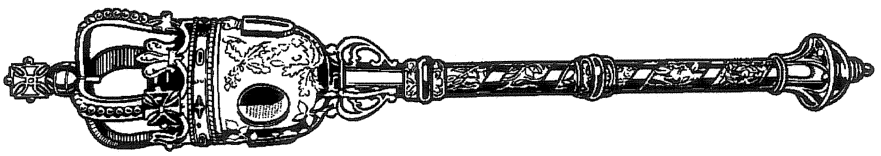
Report of the House Appropriations Subcommittee

on

Public Safety



House Bill 1500

February 6, 2011

REPORT OF THE SUBCOMMITTEE
on
PUBLIC SAFETY

Mr. Chairman and Members of the Committee:

Following our review of the additional funding included for the Public Safety agencies in the Introduced Budget, there were several issues that the Subcommittee recommended addressing. First, Mr. Chairman, I am pleased to recommend the addition of $8.3 million in the first year and $11.3 million the second year for our sheriffs. Sheriffs provide services in every community in the Commonwealth, maintain local jails, and are the primary law enforcement agency in many communities. And, with respect to local and regional jails, the Subcommittee is also recommending $6.1 million from the general fund for jail per diems to maintain prisoners in our local and regional jails.

Another issue that the Subcommittee recommended addressing was the need to compensate State Police officers for the initial overtime hours they work each week. The Subcommittee is recommending nearly $6.0 million in the second year for payment of overtime for the first three hours of overtime State Police troopers work each week. Currently, State Police officers receive compensatory time for these hours. Ultimately, State Police officers must take this leave or lose it. When that leave is taken, other State Police officers must work overtime. The additional funding recommended by the Subcommittee will end that cycle.

In addition, the Subcommittee is recommending the addition of $166,089 and the redirection of $82,306 proposed for an agency training position to provide four new veterans claims officers to assist our Virginia veterans. Since this Subcommittee first recommended establishing a ratio of one veterans claims officer for every 26,212 veterans living in Virginia, the number of veterans living in Virginia has grown from 786,000 to 823,000, an increase of 37,000 veterans.

Providing claims service to these Virginia veterans is not only the right thing to do, but the smart thing, because veterans' benefits provide economic benefits for the Commonwealth as well.

The Subcommittee is also recommending $182,029 in the second year for four bills that increase criminal penalties for assault of special agents of the Alcoholic Beverage Control, the abduction of minors and adults for immoral purposes, the manufacture of false birth certificates, and the prohibition of sex offenders on school buses. This funding is required to address the anticipated prison beds that may be required by the imposition of these penalties. While the imposition of penalties on criminals is entirely appropriate, most criminals ultimately leave prison. The Subcommittee is recommended $2.2 million from the general fund and nearly $1.0 million in nongeneral funds to provide 45 probation and parole officers, many of whom will be assigned to work in prisons to assist offenders make a better transition into society. The Subcommittee is also recommending nearly $8.1 million from the general fund for inmate medical costs.

Finally, Mr. Chairman, the Subcommittee is recommending the elimination of continued general fund support for school resource officers. In most localities, school resource officers are funded with local dollars. 21 localities still receive a general fund grant for these officers. These grants end at the conclusion of this fiscal year.

Finally, I would like to thank the Chairman and the members of Subcommittee for their hard work. 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

R. Steven Landes

John M. O'Bannon

James P. Massie, III

Watkins M. Abbitt, Jr.

Onzlee Ware

Rosalyn R. Dance

Budget Amendment Recommendations

HB 1500 Amendment	2010-12 BIENNIAL TOTAL General Fund	Nongeneral Fund	FTE
ADMINISTRATION			
Compensation Board			
Additional Funding for Sheriffs	3,000,000		
HB 1771-Added Deputies for Alleghany Highlands	135,857		
Reduce Jail Per Diems for Lower Offender Population	(1,300,000)		
HB 1771-Added Deputies for Alleghany Highlands	Language		
PUBLIC SAFETY			
Department of Corrections			
Assess Staffing at Piedmont Regional Jail	Language		
Create Inmate Culinary Arts Program		150,000	
Prison Bed Impact -- House Bill 1777	50,000		
Prison Bed Impact -- House Bill 1898	50,000		
Prison Bed Impact -- House Bill 2066	50,000		
Prison Bed Impact -- House Bill 1516	32,029		
Correct Embedded Language	Language		
Department of Criminal Justice Services			
Hampton Criminal Justice Training Academy	Language		
Reduce Criminal Justice Training Academy Funding	(31,694)		
Reduce Funding for Resource Officer Grants	(470,141)		
HB 1771-HB 599 Payment for City of Covington	(238,637)		
Reversion of June 30 Balance	Language		
Department of Juvenile Justice			
Flexibility for Local VJCCCA Contributions	Language		
Department of Military Affairs			
Eliminate News Clipping Service	(2,000)		
Department of State Police			
Correct Position Allocation	Language		
Border State Information Exchange Program	91,377		
Overtime Payment for 43 Hour Rule	5,977,590		
Adjust Insurance Fraud Revenue Reduction	Language		
Department of Veterans Services			
Additional Claims Agents	166,089		
Part 3			
Correct Agency Title	Language		
Total: HB 1500	7,510,470	150,000	-

Public Safety Subcommittee — Item 67.20 #1h

Administration	**FY 10-11**	**FY 11-12**	
Compensation Board	$0	$3,000,000	GF

Language:

Page 40, line 4, strike "$401,169,052" and insert "$404,169,052".
Page 40, line 10, strike "$73,499,313" and insert "$74,999,313".
Page 40, line 12, strike "$28,354,089" and insert "$29,854,089".

Explanation:

(This amendment provides additional general fund support of $3.0 million in the second year for sheriffs. The funding is equally divided between two programs -- Financial Assistance for Local Law Enforcement and Financial Assistance for Local Court Services. The introduced budget developed by Governor Kaine reduced funding for the Local Law Enforcement and Local Court Services programs and offset the general fund reduction with a public safety fee based on a tax on insurance premiums. This public safety fee was rejected by the 2010 General Assembly. While additional general fund support was provided to offset nearly all reductions for the sheriffs, the Compensation Board did not discover that the public safety fund had been eliminated and built the public safety fund amounts in their prospective budgets for sheriffs.)

Public Safety Subcommittee — Item 67.20 #2h

Administration	**FY 10-11**	**FY 11-12**	
Compensation Board	$0	$135,857	GF

Language:

Page 40, line 4, strike "$401,169,052" and insert "$401,304,909".
Page 40, line 10, strike "$73,499,313" and insert "$73,635,170".
Page 43, after line 15, insert:
"P. Included in the amounts provided for this item is $135,857 the second year for the provision of four law enforcement deputies for the City of Alleghany Highlands, established by the merger of Alleghany County and the City of Covington effective July 1, 2011."

Explanation:

(This amendment provides funding for the addition of four law enforcement

deputies for the City of Alleghany Highlands, which is to be created by a merger of Alleghany County and the City of Covington effective July 1, 2011. A companion amendment provides the additional positions necessary for this funding.)

Public Safety Subcommittee Item 67.30 #1h

Administration	**FY 10-11**	**FY 11-12**	
Compensation Board	($1,300,000)	$0	GF

Language:

Page 43, line 18, strike "$55,044,949" and insert "$53,744,949".
Page 43, line 20, strike "$34,000,258" and insert "$33,272,258".
Page 43, line 23, strike "$21,044,691" and insert "$20,472,691".

Explanation:

(This amendment reduces the funding for jail per diems provided in the introduced budget to reflect the fact that population of local-responsible offenders housed in local and regional jails has decreased.)

Public Safety Subcommittee Item 67.90 #3h

Administration
Compensation Board Language

Language:

Page 53, line 46, strike "10,958" and insert "10,962".
Page 54, line 2, strike "16,194" and insert "16,198".

Explanation:

(This amendment provides four additional law enforcement positions for the City of Alleghany Highlands, which will be established through the merger of Alleghany County and the City of Covington effective July 1, 2011. A companion amendment provides the funding for these positions.)

Public Safety Subcommittee Item 377 #1h

Public Safety
Department Of Corrections Language

Language:

Page 322, after line 23, insert:

"G.1. The Department of Corrections shall reassess the appropriate staffing ratios for the Piedmont Regional Jail. The Department of Corrections shall complete this assessment by October 1, 2011.

2. Notwithstanding the provisions of paragraph H. of Item 67.90, the Compensation Board may approve funds for the operational costs, including salaries, for local and regional jail capacity previously constructed with federal funds, where the contract for housing federal inmates under which such capacity was built has expired, and provided such local or regional jail is not exempted from the cost recovery provisions in paragraph H. of Item 67.30 for housing federal and out-of-state inmates. Funds for operational costs, including salaries, shall only be approved under this provision subject to appropriations by the General Assembly in Item 67.20 for this purpose."

Explanation:

(This amendment requires the Department of Corrections to assess whether the Piedmont Regional Jail has the appropriate staffing. It also provides authority to the Compensation Board to staff jail bed capacity housing state and local responsible inmates in beds formerly built for housing federal inmates, where federal contracts under which the beds were previously built with federal funds have expired. The Commonwealth recovers an inmate per diem for federal inmates housed in the jail in order to recover state funded staffing costs.)

Public Safety Subcommittee — Item 379 #1h

Public Safety	**FY 10-11**	**FY 11-12**	
Department Of Corrections	$0	$150,000	NGF

Language:

Page 322, line 48, strike "$827,716,927" and insert "$827,866,927".

Page 325, after line 33, insert:

"P. Included in the appropriation for this item is $150,000 the second year from nongeneral funds for a culinary arts program in which inmates are trained to operate food service activities serving agency staff and the general public. The source of the funds shall be revenues generated by the program. Any revenues so generated by the program shall not be subject to § 4-2.02 of this act and shall be used by the agency for the costs of operating the program."

Explanation:

(This amendment provides a nongeneral fund appropriation for the Department of Corrections to use in operating a culinary arts program in which inmates are trained to operate food service activities serving agency staff and the general public. The source of the funds will be the revenue generated by the program.)

Public Safety Subcommittee — Item 380 #1h

Public Safety	**FY 10-11**	**FY 11-12**	
Department Of Corrections	$0	$50,000	GF

Language:

Page 325, line 35, strike "$80,949,774" and insert "$80,999,774".

Page 327, after line 33, insert:

"N. Included in the appropriation for this item is $50,000 the second year from the general fund for the estimated net increase in the operating costs of adult correctional centers resulting the enactment of House Bill 1777 by the 2011 Session of the General Assembly. This amount shall be paid into the Corrections Special Reserve Fund, established in accordance with § 30-19.1:4, Code of Virginia."

Explanation:

(This amendment provides for the expected increase incorrectional beds necessary from an increase in the penalties associated with the manufacturing, selling, or transferring of fictitious birth certificates from a Class 1 misdemeanor to a Class 6 felony.)

Public Safety Subcommittee — Item 380 #2h

Public Safety	**FY 10-11**	**FY 11-12**	
Department Of Corrections	$0	$32,029	GF

Language:

Page 325, line 35, strike "$80,949,774" and insert "$80,981,803".

Page 327, after line 33, insert:

"N. Included in the appropriation for this item is $32,029 the second year from the general fund for the estimated net increase in the operating costs of adult correctional centers resulting the enactment of House Bill 1516 by the 2011 Session of the General Assembly. This amount shall be paid into the Corrections Special Reserve

Fund, established in accordance with § 30-19.1:4, Code of Virginia."

Explanation:

(This amendment provides for the expected additional number of prison beds required by making assault and battery of alcoholic beverage control agents subject to the same penalties that apply when the victim is a law enforcement officer, correctional officer, firefighter, emergency medical service provider, or judge.)

Public Safety Subcommittee — Item 380 #3h

Public Safety
Department Of Corrections — Language

Language:

Page 326, line 1, strike "$484,250" and insert "$984,250".
Page 326, line 1, strike "$585,400" and insert "$1,585,400".

Explanation:

(This amendment changes amounts embedded in the budget language to reflect the additional nongeneral fund appropriation for the development of the inmate information system.)

Public Safety Subcommittee — Item 380 #4h

	FY 10-11	FY 11-12	
Public Safety			
Department Of Corrections	$0	$50,000	GF

Language:

Page 325, line 35, strike "$80,949,774" and insert "$80,999,774".
Page 327, after line 33, insert:
"N. Included in the appropriation for this item is $50,000 the second year from the general fund for the estimated net increase in the operating costs of adult correctional centers resulting the enactment of House Bill 1898 by the 2011 Session of the General Assembly. This amount shall be paid into the Corrections Special Reserve Fund, established in accordance with § 30-19.1:4, Code of Virginia."

Explanation:

(This amendment provides for the expected increase in correctional beds necessary from expanding the definition of abduction to preclude abduction of any minor or adult for the purpose of manufacturing pornography as well as enacting a

prohibition against the procuring of a person for forced labor, prostitution or manufacturing pornography.)

Public Safety Subcommittee — Item 380 #5h

Public Safety	**FY 10-11**	**FY 11-12**	
Department Of Corrections	$0	$50,000	GF

Language:

Page 325, line 35, strike "$80,949,774" and insert "$80,999,774".

Page 327, after line 33, insert:

"N. Included in the appropriation for this item is $50,000 the second year from the general fund for the estimated net increase in the operating costs of adult correctional centers resulting the enactment of House Bill 2066 by the 2011 Session of the General Assembly. This amount shall be paid into the Corrections Special Reserve Fund, established in accordance with § 30-19.1:4, Code of Virginia."

Explanation:

(This amendment provides for the expected increase correctional beds necessary from prohibiting violent sex offenders from being on any school bus.)

Public Safety Subcommittee — Item 384 #1h

Public Safety

Department Of Criminal Justice Services — Language

Language:

Page 329, after line 40, insert:

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

Explanation:

(This amendment provides for the Board of Criminal Justice Services to approve the creation of a criminal justice training academy for the City of Hampton, to be paid for by local funds, pursuant to an agreement between the City of Hampton and the Hampton Roads Criminal Justice Training Academy.)

Amendments to House Bill 1500, as Introduced

Public Safety Subcommittee — Item 384 #2h

Public Safety	**FY 10-11**	**FY 11-12**	
Department Of Criminal Justice Services	$0	($31,694)	GF

Language:

Page 328, line 40, strike "$76,738,415" and insert "$76,706,721".
Page 329, line 21, strike "$528,240" and insert "$496,546".

Explanation:

(This amendment reduces the general fund support for regional criminal justice training academies. Currently there are 10 regional criminal justice training academies, so this reduction equals slightly more than $3,000 per academy. In recent years, a number of localities have pulled out of these training academies. This was a strategy proposed by the agency as part of its response to the 2, 4, and 6 percent budget reductions.)

Public Safety Subcommittee — Item 384 #3h

Public Safety	**FY 10-11**	**FY 11-12**	
Department Of Criminal Justice Services	$0	($470,141)	GF

Language:

Page 328, line 40, strike "$76,738,415" and insert "$76,268,274".
Page 330, line 40, strike the second "$878,988" and insert "$408,847".

Explanation:

(This amendment eliminates general fund support for school resource officer grants. Presently, only 21 localities receive general fund support for school resource officer grants. All of the grants expire at the end of fiscal year 2011. This amendment does not affect the general fund support for the school resource officer training provided by the Department of Criminal Justice Services.)

Public Safety Subcommittee — Item 386 #1h

Public Safety	**FY 10-11**	**FY 11-12**	
Department Of Criminal Justice	$0	($238,637)	GF

Services

Language:
Page 331, line 28, strike "$160,012,837" and insert "$159,774,200".

Explanation:
(This amendment removes the House Bill 599 payments associated with the City of Covington's police department. The City of Covington is merging with Alleghany County to become the City of Alleghany Highlands, a city without a police force. A companion amendment provides four additional law enforcement deputies for the new city, which will be consolidated on July 1, 2011.)

Public Safety Subcommittee — Item 387 #1h

Public Safety
Department Of Criminal Justice Services — Language

Language:
Page 332, after line 17, insert:
"The Director, Department of Planning and Budget, shall unallot and transfer to the general fund an amount estimated at $17,500 on or before June 30, 2011, representing general fund balances unspent as of June 30, 2010."

Explanation:
(This amendment captures a June 30, 2010, balance of $17,500 from the Department of Criminal Justice Services.)

Public Safety Subcommittee — Item 399 #1h

Public Safety
Department Of Juvenile Justice — Language

Language:
Page 338, line 18, after "localities.", insert:
"Localities participating in the provision of services and programs for which VJCCCA funding may be expended, and that contribute more in local funding or matching funds than they receive from the Commonwealth, are authorized, but not required, to provide a contribution greater than Commonwealth general fund

contributions for VJCCCA programs and services. Such localities' local funding or matching funds shall not be less than the Commonwealth's share of funding for these programs and services."

Explanation:

(This amendment provides authorization, but does not require, that localities receiving Virginia Juvenile Community Crime Control Act funding from the Commonwealth and which contribute more to support these programs and services than the Commonwealth provides, to provide a greater contribution than the Commonwealth. The amendment also ensures that participating localities will not provide less than the amount in matching VJCCCA contributions from the Commonwealth.)

Public Safety Subcommittee — Item 406 #1h

Public Safety	**FY 10-11**	**FY 11-12**	
Department Of Military Affairs	$0	($2,000)	GF

Language:

Page 341, line 22, strike "$5,028,855" and insert "$5,026,855".
Page 341, line 24, strike "$2,148,729" and insert "$2,146,729".

Explanation:

(This amendment eliminates news clipping service costs for the Department of Military Affairs. This reduction was a component of the agency's strategies to achieve the Governor's 2, 4, and 6 percent budget reductions. This reduction has no impact on the agency's ability to fulfill its missions.)

Public Safety Subcommittee — Item 407 #1h

Public Safety
Department Of State Police — Language

Language:

Page 346, line 4, strike "2,451.00" and insert "2,463.00".
Page 346, line 6, strike "398.00" and insert "386.00".

Explanation:

(This amendment is a technical adjustment that transfers STARS positions from nongeneral fund to general fund since the STARS maintenance activity is to be

supported with general fund dollars.)

Public Safety Subcommittee — Item 407 #2h

Public Safety	**FY 10-11**	**FY 11-12**	
Department Of State Police	$0	$91,377	GF

Language:

Page 342, line 4, strike "$53,008,595" and insert "$53,099,972".

Page 342, line 5, strike the second "$14,475,284" and insert "$14,566,661".

Page 343, after line 6, insert:

"H. Included in the amounts provided for this item is $91,377 the second year from the general fund for the costs of database administration associated with the establishment of an information exchange program by the Secretary of Public Safety with those states sharing a border with Canada or Mexico about transnational gangs; the production, transportation, or distribution of illegal drugs, explosives, or firearms; and the activities of international or domestic terrorists. "

Explanation:

(This amendment provides general fund support for the database administration costs associated with the creation of an information exchange program by the Secretary of Public Safety with those states bordering Canada and Mexico to learn more about transnational gangs, the illegal production or distribution of drugs, firearms, or explosives, and terrorist activities.)

Public Safety Subcommittee — Item 408 #1h

Public Safety	**FY 10-11**	**FY 11-12**	
Department Of State Police	$0	$5,977,590	GF

Language:

Page 343, line 9, strike "$212,708,179" and insert "$218,685,769".

Page 343, line 18, strike "$122,405,151" and insert "$128,382,741".

Explanation:

(This amendment provides compensation for State Police officers working between 40 and 43 hours in any seven-day period. Currently, officers, who are classified according to the Fair Labor Standards Act as non-exempt positions, receive compensatory time for these hours. These compensatory hours must be used

within 12 months or are lost. Additional hours worked over 43 hours in any period are compensated using overtime leave at one and one-half hours for each hour worked. The State Police manage compensatory time in order to limit the need for overtime leave. In order to do so, officers must take leave periodically, resulting in other officers needing to work overtime hours.)

Public Safety Subcommittee Item 408 #2h

Public Safety
Department Of State Police Language

Language:
Page 343, line 14, strike "$19,999" and insert "2,423,085".
Page 343, line 20, strike "$8,126,897" and "$8,126,897" and insert:
"$8,126,897" and "$5,723,901".

Explanation:
(This amendment is a technical adjustment that transfers the appropriation reduction due to insufficient revenue from the Help Eliminate Auto Theft (HEAT) service area to the Insurance Fraud Program service area in the second year. The approved action was to reduce the appropriation for the Insurance Fraud service area but by mistake, the action was applied to the HEAT service area.)

Public Safety Subcommittee Item 413 #1h

Public Safety	**FY 10-11**	**FY 11-12**	
Department Of Veterans Services	$0	$166,089	GF

Language:
Page 346, line 38, strike "$5,753,032" and insert "$5,919,121".
Page 346, line 41, strike "$5,753,032" and insert "$5,919,121".
Page 347, after line 8, insert:
"D. Included in the appropriations for this item is $248,395 the second year from the general fund to ensure that the department provides one veterans claims officer for every 26,212 veterans residing in the Commonwealth."

Explanation:
(This amendment provides general fund support for the addition of four veterans claims officers to ensure that the Department of Veterans Services provides one

veterans claims officer for every 26,212 veterans residing in the Commonwealth. This level of service was approved by the General Assembly during its 2005 Session, but the number of veterans living in the Commonwealth has increased from 786,000 to 823,000. The amendment redirects new funding for a training position to the provision of veterans claims officers.)

Public Safety Subcommittee Item 3-1.01 #3h

Transfers

Interfund Transfers Language

Language:

Page 458, line 59, strike "Juvenile Justice" and insert "Corrections".

Explanation:

(This amendment corrects a technical error.)