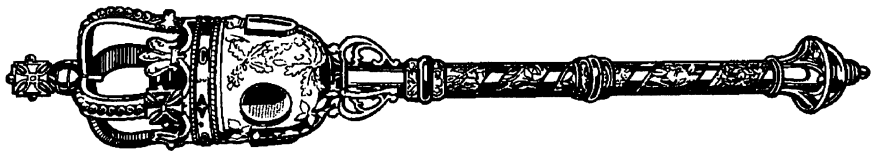
Report of the House Appropriations Subcommittee

on

Public Safety



House Bill 29

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House Bill 30

February 19, 2006

REPORT OF THE SUBCOMMITTEE
on
PUBLIC SAFETY

Mr. Chairman and Members of the Committee:

This Session once again began with a different set of challenges facing both the full committee and the Public Safety Subcommittee. Mr. Chairman, you immediately recognized that the committee would need to build a budget that addressed some of the most pressing needs of the Commonwealth, including transportation, tax relief, and employee compensation.

Nonetheless, you made it clear that as the subcommittees identified specific issues to address, you and the subcommittee chairmen would resolve to identify resources to address the most pressing priorities. In terms of priorities, the entire House of Delegates established the protection of Virginia's citizens from sexual predators as the number one budget issue to be addressed by our subcommittee. However, to do its part, the subcommittee was in agreement that this priority should be addressed to the extent possible with the resources available. As a result, all available strategies to generate resources were utilized and areas for savings have been identified. I am very pleased to report that even with $19.9 million in proposed public safety amendments related to addressing sexual predators, the subcommittee funded the entire amount of needed resources with identified savings. However, these strategies were implemented consistent with the subcommittee's primary objective: keeping Virginia a safe place to live and work.

Mr. Chairman, as you know, a year-long study by a task force established by the Virginia State Crime Commission identified several problems with the monitoring of convicted sex offenders and of the utility and accuracy of the information maintained on the state's Sex Offender Registry. Legislation to address these problems was introduced and passed overwhelmingly by the House of Delegates.

Because of this legislation, the people of Virginia will be better protected from sexual predators through the imposition of longer prison terms upon conviction, increased monitoring in the community, including the use of GPS technology, and stricter registry verification requirements.

Reflective of that, Mr. Chairman, the subcommittee recommends a series of amendments to address the public safety issues included in the legislation. First, House Bills 846 and 984 will require mandatory 25-year prison terms for certain offenses committed by the most violent sexual predators as well as increased penalties for those offenders who violate the provisions of the Sex Offender Registry. This will likely increase the need for prison bed space in the future and the subcommittee is recommending that almost $3.0 million be deposited into the Corrections Special Reserve Fund to prepay those additional beds.

In addition, Mr. Chairman, our public safety agencies have been tasked with additional and important responsibilities regarding sex offenders. First, the Department of State Police will be required to verify the information for offenders required to be in the Sex Offender Registry. This will ensure that the information available to the public on sex offenders is accurate and timely, which will enable them to make decisions to better protect themselves and their families. As a result, the subcommittee is recommending an amendment in the amount of $10.5 million for additional state troopers to monitor offenders and administrative staff to support those efforts.

Second, enhanced monitoring of offenders in the community is also required by the legislation. The Crime Commission Task Force too often found that certain offenders needed to be continually monitored to ensure that appropriate restrictions were maintained, and if violations occurred, law enforcement needed the capability to be notified immediately to be able to respond. Therefore, the subcommittee is recommending an amendment of $6.4 million to the Department of Corrections to fund additional probation and parole officers as well as utilize GPS technology to provide this level of oversight and offender accountability.

Finally, Mr. Chairman, I would like to thank the other subcommittees who through their diligent reviews were able to identify resources that could be redirected to other areas of the budget including those that deal with the civil commitment of sexually violent predators, including the expansion and operation of a new facility for civil commitments. With the support of you and the other subcommittee chairmen, a message has been sent that Virginia will not tolerate our citizens being in fear of these predators.

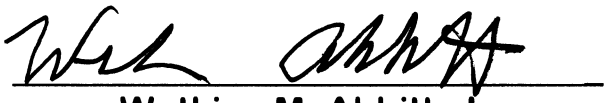
The subcommittee's ongoing review and analysis of agencies and programs under its purview also indicated that there were issues related to local law enforcement that needed to be addressed. Specifically, it was identified that additional funding would be required to fully fund the statutory law enforcement staffing requirements for sheriffs' offices. Based on this information, Mr. Chairman, the subcommittee is recommending an amendment that would fully fund the 1:1500 law enforcement deputy-to-population ratio, ensuring that required levels of law enforcement services continue in our localities across Virginia.

Finally, Mr. Chairman, the subcommittee is also recommending amendments that support the National Guard's retention efforts and traffic enforcement activities on Interstate 81.

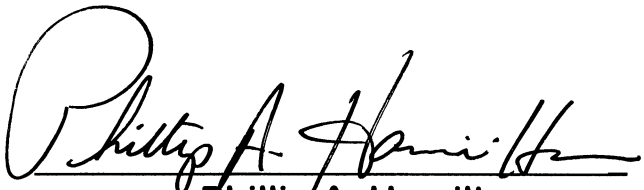
Mr. Chairman and fellow committee members, I will ask staff to take you through our detailed recommendations, and then I hope it will be your pleasure to adopt our subcommittee report.

Respectfully Submitted by the House Appropriations Subcommittee on Public Safety:

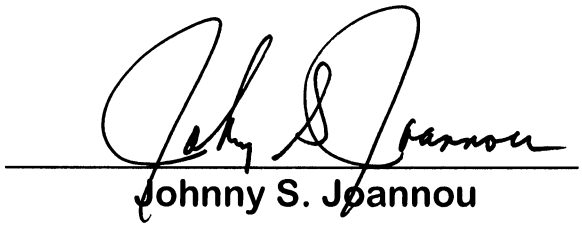
Beverly J. Sherwood, Chairman



Watkins M. Abbitt, Jr.



Phillip A. Hamilton



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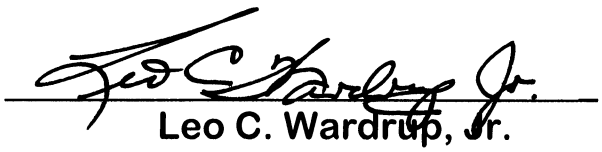
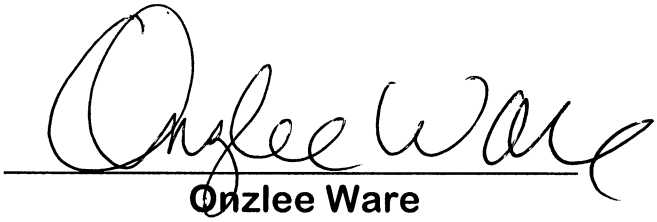


Leo C. Wardrup, Jr.



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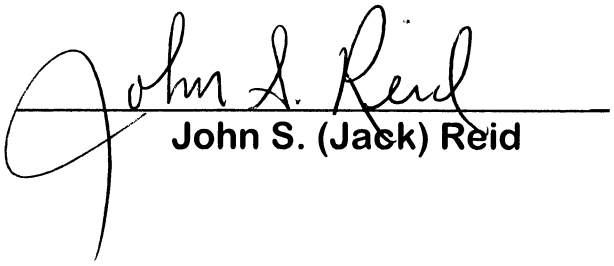
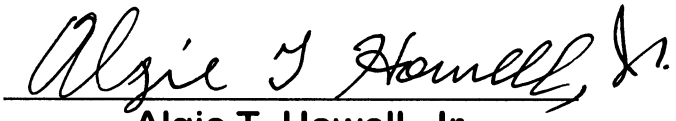


John S. (Jack) Reid



Algie T. Howell, Jr.

BUDGET AMENDMENT RECOMMENDATIONS

Amendment	House Bill 29 FY 2006	2006-08 BIENNIAL TOTAL General Fund	Nongeneral Fund	FTE
Public Safety				
HB 29				
National Guard Re-Enlistment Bonus	1,328,000			
Delayed Jail Opening	(1,323,467)			
HB 30 Transfers				
Sale of ABC Office		15,000,000		
SUBTOTAL Transfers		15,000,000		
HB 30				
Secretary of Public Safety				
Reentry Program Status Report		Language		
Department of Correctional Education				
Phase-in Equipment & Supplies		(300,000)		
Phase-in Expanded Programming		(200,000)		
Department of Corrections				
Sex Offender Monitoring		6,104,000		24.00
Sex Offender Screening		332,276		2.00
Sex Offender Screening Process		Language		
Jail Planning Review Process		Language		
Brunswick County Jail Study		Language		
Blue Ridge Regional Jail Study		Language		
Warren, Page, Rappahannock, & Shenandoah Regional Jail Study		Language		
Southside Regional Jail Study		Language		
Jail Transition Status Report		Language		
Faith-Based Services			200,000	
Position Transfer NGF to GF		Language		
Evening Vocational Programming		(113,208)		
Revise Prison Opening Dates		(5,040,277)		
Phase-in Field Unit Nurse Staff		(171,535)		
House Bill 713 Woodrum Impact		31,220		
House Bill 102 Woodrum Impact		138,120		
House Bill 775 Woodrum Impact		7,073		
House Bill 984 Woodrum Impact		2,419,496		
House Bill 1141 Woodrum Impact		63,684		
House Bill 1333 Woodrum Impact		630,940		
House Bill 1339 Woodrum Impact		207,814		
House Bill 1347 Woodrum Impact		74,218		
Department of Criminal Justice Services				
Campus Security and Standards		352,044		2.00
Technical Fund Swap With Forensic Lab		1,425,258		
Phase-in Local Community Corrections		(300,000)		
New Anti-Gang Program Funding		(3,611,106)		
Data Accuracy Guidelines		Language		
Transfer to Forensic Lab				-5.00
Department of Fire Programs				

BUDGET AMENDMENT RECOMMENDATIONS

Amendment	House Bill 29 FY 2006	2006-08 BIENNIAL TOTAL General Fund	Nongeneral Fund	FTE
Fire Program Match		(12,000,000)		
Department of Forensic Science				
Positions From Criminal Justice				5.00
Technical Fund Swap With Criminal Justice Services		(1,425,258)		
Department of Juvenile Justice				
Position Transfer NGF to GF		Language		
Reintegration Pilot Program		200,000		
Reintegration Pilot Program Services		100,000		
Phase-in Culpeper and Hanover JCC Expansion		(2,050,889)		
Department of State Police				
Sex Offender Registry System Development		405,388		2.00
Sex Offender Registry System Administration		448,759		6.00
Sex Offender Registry Monitoring & Verification		9,622,400		50.00
Interstate 81 Enforcement		500,000		
D.A.R.E. Materials & Training		170,000		
Compensation Board				
Fingerprint and Inmate Photo Submission		Language		
Law Enforcement Deputies 1:1500		770,666		
Law Enforcement Deputies 1:1500		Language		
Victim Notification Grant		476,000		
Court Services Staffing		(1,731,294)		
Regional Jail Federal Cost Recovery		372,396		
Regional Jail Federal Cost Recovery		(1,972,906)		
Eliminates Position Allocation Language		Language		
Criminal Activity Data		Language		
Central Appropriations				
HB 975: BRAC Requirements -- Oceana Naval Air Station		Language		
BRAC Grant Program		(5,000,000)		
BRAC: Hampton Roads Military and Federal Alliance		500,000		
Part III/IV				
Sale of ABC Office Building		Language		
HB 29/HB 30 Operating	4,533	(8,564,721)	200,000	86

Public Safety Subcommittee Item 59 #2h

Administration
Compensation Board Language

Language:
Page 38, after line 15, insert:
"L. It is the intent of the General Assembly that all fingerprint data and inmate identification photos submitted to the Virginia State Police by sheriffs' offices and regional jails be sent electronically by a means approved by the Virginia State Police, by July 1, 2008, with such funds as shall be provided by the State Compensation Board."

Explanation:
(This amendment is self-explanatory.)

Administration
Compensation Board Language

Language:
Page 36, line 27, after "overcrowding", strike "to".
Page 36, strike lines 28 through 32.
Page 36, line 33, strike "to overcrowding".

Explanation:
(This amendment eliminates the requirement that positions provided by the General Assembly for jail overcrowding be reallocated to other jails needing overcrowded positions. Changes maintain present Compensation Board practices.)

Administration
Compensation Board Language

Language:
Page 53, line 2, strike "9,985" and insert "9,996".
Page 53, line 2, strike "9,997" and insert "10,008".
Page 53, line 11, strike "14,992" and insert "14,931".
Page 53, line 11, strike "15,054" and insert "15,065".

Explanation:
(This amendment adjusts the position numbers for sheriffs' staffing to reflect the additional positions required to meet the 1:1500 statutory staffing ratio.)

Administration

Compensation Board Language

Language:

Page 56, line 34 after "locality", insert:

"when such corrections are made within the same fiscal year that funds have been withheld".

Explanation:

(This amendment modifies language provided in the introduced budget that allows the Compensation Board to withhold funding to localities that do not provide accurate or updated criminal activity data to the Department of State Police. Specifically, this amendment provides that funding withheld may only be provided upon the satisfactory correction of data error or omission in the fiscal year in which the withholding took place.)

Public Safety

Secretary Of Public Safety Language

Language:

Page 332, line 8, before "The", insert "A."

Page 332, after line 21, insert:

"B. The Secretary shall provide a status report of actions taken to improve offender transitional and reentry services, as provided in § 2.2-221.1, Code of Virginia, including improvements to preparation and provision for employment, treatment, and housing opportunities for those being released from incarceration. The report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15 of each year. "

Explanation:

(This amendment requires that the Secretary of Public Safety present a status report on the status of reentry programs provided pursuant to § 2.2-221.1, Code of Virginia.)

Public Safety
Department Of Corrections Language

Language:
Page 335, line 43, after "shall", strike "use a peer" and insert:
"establish a working group to provide technical assistance, upon request of the department, in evaluating".
Page 335, line 44, strike "review process to evaluate".
Page 335, line 46, after "construction.", strike "The peer review process" and insert:
"The department is authorized to request staff assistance."
Page 335, line 47, strike "shall include at a minimum, staff".
Page 335, line 51, after "Commission.", strike "The results of the peer review".
Page 336, strike line 1 though line 3.

Explanation:
(This amendment authorizes the Department of Corrections to request technical assistance as necessary from other state agencies to review population projections used in requesting approval for local or regional jail construction.)

Public Safety

Department Of Corrections Language

Language:

Page 335, after line 36, insert:

"f. Brunswick County, in order to proceed in planning for a new jail facility. Notwithstanding the provision of § 53.1-82.3, Code of Virginia, Brunswick County may submit the required studies as prescribed by the Board of Corrections' Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, to the Department of Corrections and State Board of Corrections for review. Furthermore, the Governor may include a recommendation for funding such project for consideration by the General Assembly at its 2008 Session. Included within the required submissions to the Department from Brunswick County shall be an analysis and report indicating the costs and benefits to the county and the state, including long-term operating costs, of joining a regional jail, and documentation that the county has determined whether or not there is interest among surrounding jurisdictions in developing a regional jail project or interest from adjacent regional authorities of allowing Brunswick County to join the regional jail authority or board."

Explanation:

(This amendment exempts the Brunswick County Jail from the moratorium on submitting to the Board of Corrections required documents and reports regarding jail construction or expansion projects.)

Public Safety Subcommittee Item 384 #4h

Public Safety

Department Of Corrections Language

Language:

Page 335, after line 36, insert:

"f. The Blue Ridge Regional Jail Authority to build a new facility to replace the Appomattox and Amherst County jails and replace the beds at the Moneta facility operated by the Authority. Amherst and Appomattox Counties would become members of the Blue Ridge Regional Jail Authority. Notwithstanding the provisions of § 53.1-82.3, Code of Virginia, the Authority shall submit required community-based corrections plans and the planning study to the Department of Corrections by March 1, 2007."

Explanation:

(This amendment provides an exemption to the moratorium on the submission of planning documents for local jail construction to the Board of Corrections.)

Public Safety
Department Of Corrections Language

Language:
Page 335, after line 36, insert:
"f. The Counties of Warren, Page, Rappahannock, and Shenandoah, in order to proceed in planning for a regional jail facility."

Explanation:
(This amendment provides an exemption to the moratorium on the submission of planning documents for local jail construction to the Board of Corrections.)

Public Safety
Department Of Corrections Language

Language:
Page 335, after line 36, insert:
"f. The Southside Regional Jail Authority, in order to proceed in planning for expansion of the regional jail facility."

Explanation:
(This amendment provides an exemption to the moratorium on the submission of planning documents for local jail construction to the Board of Corrections.)

Public Safety
Department Of Corrections Language

Language:

Page 337, after line 3, insert:

"D. The Secretary of Public Safety, in conjunction with the Director of the Department of Corrections, shall provide a status report on the implementation and operation of the jail transition programs administered by the department. The report shall address: (1) the participating jails, date the jail joined the program, and whether the department or other organizations are contracted to administer the programs; (2) services provided to inmates participating in the program; (3) the status of inmates released from custody through the program in fiscal year 2005; (4) factors affecting utilization or expansion of the program; and (5) the impact of the program on the department's ability to address the backlog of state-responsible inmates in local and regional jails. In addition, such report shall include an evaluation plan for determining the efficacy of the pilot program. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2006."

Explanation:

(This amendment requires the Secretary of Public Safety to provide a status report on the implementation and operation of the Department of Corrections' jail transition program that was implemented in fiscal year 2004.)

Public Safety

Department Of Corrections Language

Language:

Page 339, line 54, strike "13,460.00" and "13,460.00" and insert:
"13,483.00" and "13,483.00".
Page 339, line 55, strike "252.50" and "252.50" and insert:
"229.50" and "229.50".

Explanation:

(This amendment transfers nongeneral fund positions to the general fund. These positions have been supported by federal grant funds in the past. These grants have expired and a general fund appropriation is required for their continued support.)

Public Safety
Department Of Corrections Language

Language:
Page 338, after line 5, insert:
"F. The Department of Corrections shall administer a STATIC-99 screening to all potential sexually violent predators eligible for civil commitment pursuant to § 37.2-900 et. seq., Code of Virginia, within six months of their admission to the custody of the department. The results of such screenings shall be provided to the Commissioner of DMHMRSAS monthly."

Explanation:
(This amendment is self-explanatory.)

Public Safety

Department Of Criminal Justice Services — Language

Language:

Page 343, line 52, after "locality" insert:

"when such corrections are made within the same fiscal year that funds have been withheld"

Explanation:

(This amendment modifies language provided in the introduced budget that allows the Department of Criminal Justice Services to withhold 599 funding to localities that do not provide accurate or updated criminal activity data to the Department of State Police. Specifically, this amendment provides that funding withheld may only be restored upon the satisfactory correction of data error or omission in the fiscal year in which the withholding takes place.)

Public Safety

Department Of Juvenile Justice Language

Language:

Page 350, line 17, strike "2,486.00" and "2,486.00" and insert:
"2,488.00" and "2,488.00"
Page 350, line 18, strike "16.00" and "16.00" and insert "14.00" and "14.00"

Explanation:

(This amendment transfers nongeneral fund positions to the general fund. These positions have been supported by federal grant funds in the past. These grants have expired and a general fund appropriation is required for their continued support.)

Public Safety Subcommittee Item 462 #6h

Central Appropriations
Central Appropriations Language

Language:
Page 407, line 51, strike "$15,000,000" and insert "$7,500,000".
Page 407, line 52, strike "$15,000,000" and insert "$7,500,000".
Page 407, line 50 after "1.", insert "a."
Page 408, after line 13, insert:
"b. Out of the appropriation for Base Realignment and Closure Assistance is provided $7,500,000 the first year and $7,500,000 the second year from the general fund to be used to assist any locality in which a United States Navy Master Jet Base is located in addressing the requirements in Base Realignment and Closure Commission's order as adopted into federal law on November 9, 2005, regarding development deemed to be incompatible with air operations in the Accident Potential Zone 1 areas, as depicted in the Navy's 1999 AICUZ Pamphlet. All activities funded through this appropriation shall meet the requirements of House Bill 975, 2006 Session of the General Assembly."

Explanation:
(This amendment provides $7,500,000 the first year and $7,500,000 the second year from the general fund to assist in meeting the BRAC requirements regarding the Oceana Naval Air Station and the requirements of House Bill 975, 2006 Session of the General Assembly.)

Public Safety Subcommittee Item 3-1.01 #9h

Transfers

Interfund Transfers Language

Language:

Page 481, after line 4, insert:

"AA. The Department of Alcoholic Beverage Control shall sell the building in which the Alexandria Regional office is currently located. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, all the proceeds from the sale of such property, estimated to be $15,000,000, shall be deposited into the general fund no later than June 30, 2007."

Explanation:

(This amendment authorizes the sale and subsequent deposit into the general fund of the Department of Alcoholic Beverage Control Alexandria Regional office in fiscal 2007.)