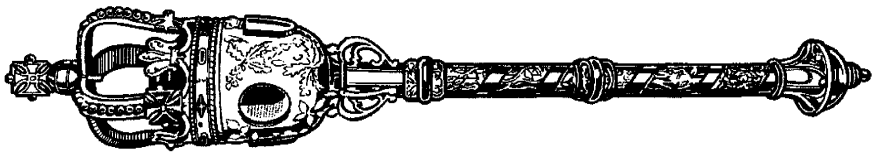
Report of the House Appropriations Subcommittee

on

Public Safety



House Bill 29
&
House Bill 30

February 19, 2012

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, the Subcommittee recommended endorsing many of the initiatives proposed by the Governor, in addition to those items the Subcommittee recommended addressing. First, Mr. Chairman, I am pleased to endorse the addition of $7.4 million each 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. This endorsement also completes the additional funding to which sheriffs believed they were entitled due to the Compensation Board's failure to recognize the General Assembly's rejection of Governor Kaine's proposed public safety fee in 2010. And, with respect to local and regional jails, the Subcommittee is recommending $4.7 million in the first year and $5.4 million in the second year to provide the operating support for newly constructed or expanded jails, including the Meherrin River and Blue Ridge regional jails and the Patrick County and Loudoun County local jails.

Another issue that the Subcommittee recommended addressing was the need to maintain the public safety of our communities. The amendments before you include a total of $12.3 million the first year for the correctional impacts of legislation adopted by this body that either created or increased the penalties on criminal behavior. Among the bills recommended by the Subcommittee were the imposition of a 5-year mandatory sentence for a second drug trafficking conviction and 10-year mandatory minimum sentence for a third or subsequent conviction; the imposition of a life sentence on any adult who sexually abuses a child age 13 or younger; and the creation of mandatory minimum sentences for involuntary manslaughter and aggravated involuntary manslaughter caused by people driving un-

der the influence of alcohol or drugs. Mr. Chairman, this legislation will keep all of our communities safer.

In keeping with this Committee's long-standing support for the Virginia State Police, the Subcommittee endorses the Governor's proposed $2.9 million in fiscal year 2013 and $3.1 million in fiscal year 2014 to fill 40 vacant State Trooper positions. As you will recall Mr. Chairman, just last Session, this Committee provided nearly $6.0 million to address overtime for State Police officers and provided support for additional Basic Trooper schools. The Subcommittee firmly believes that given the prior actions of this Committee and the initiative proposed by the Governor, that 215 additional State Police Troopers will soon be patrolling Virginia's highways and protecting and serving its citizens.

Mr. Chairman, this Committee has also maintained a strong commitment to Virginia's veterans. For instance, this Committee has already recommended adopting legislation reducing the ratio of veterans claims agents to the number of Virginia veterans. This ratio, which had been one claims officer for every 26,212 veterans, will be reduced to one claims officer for every 23,000 veterans. In keeping with that legislation, the Subcommittee has endorsed six new positions and $452,154 in funding proposed by the Governor to address the staffing needed to support the reduction in this ratio. In addition, the Subcommittee is recommending the addition of $150,000 in each year to support a new automated claims processing system for the Department of Veterans Services. During 2010, the department claims agents secured $122 million in disability compensation payments alone. Using an automated system should improve the speed with which veterans' claims are processed and help Virginia's veterans obtain the benefits to which they are entitled due to their service and sacrifice.

Mr. Chairman, while the imposition of penalties on criminals is entirely appropriate, most criminals ultimately leave prison. Consequently, the Subcommitee is endorsing the provision of $1.3 million in fiscal year 2013 and $1.6 million in fiscal year 2014 to increase the number probation officers supervising sex offenders, develop a Virginia Serious and Violent Offender Re-entry program for the Rich-

mond area, and create a work release program for about 80 offenders within 90 days of release in order to assist them find work and housing prior to release. These proposals build upon the support this Committee has provided to the Department of Corrections' prisoner re-entry efforts.

Mr. Chairman, the Subcommittee also recommends against the creation of a new program designed to sentence technical violators immediately to jail for any violation of probation. As we learned during our retreat this fall, the number of technical violators sentenced to jail has decreased by 23.4 percent and the number of technical violators sentenced to prison has decreased by 38.2 percent since 2007. These declines are the result of previous investments in more probation officers to ensure the successful re-entry into society of those offenders who had completed their sentences. Not funding this new program saves $924,288 per year for use in funding the other needs of this Committee.

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

Robert Tata

Riley E. Ingram

R. Steven Landes

Thomas A. Greason

Onzlee Ware

Rosalyn R. Dance

Budget Amendment Recommendations

Amendment	House Bill 29 FY 2012	2012-14 BIENNIAL TOTAL General Fund	Nongeneral Fund	FTE
PUBLIC SAFETY				
HB 29				
Compensation Board				
Locally Delayed Jail Operating Costs	(944,200)			
Part 3				
Restore Funding for State Police	Language			
HB 30 (2012-14 Budget)				
Virginia Criminal Sentencing Commission				
Eliminate Provisions About SURE Program		Language		
Compensation Board				
Eliminate Provisions About SURE Program		Language		
Locally Delayed Jail Operating Costs		(1,766,038)		
Department of Corrections				
Eliminate Provisions About SURE Program		(1,848,576)		(12.00)
Offset Prison Operations with Woodrum Funds		(12,331,667)		
Provide Additional Woodrum Impacts		203,358		
Evaluation of Sexually Violent Predators		191,625		2.00
Alter Language for Strangulation Bill		Language		
Substitute Grooming Language for Gang Bill		Language		
Substitute Sex Crimes Bill for Elderly Bill		Language		
Update Total Woodrum Impacts		Language		
Department of Emergency Management				
Allow Anticipation Loans for Disasters		Language		
Department of Forensic Science				
Restore Positions for Photo Services				5.00
Department of Military Affairs				
Transfer of Funding from Juvenile Justice		2,670,426		
Department of State Police				
Funding for Firearm Background Checks		400,000		
Additional Position for Border Information				1.00
Department of Veterans Services				
Funding for Automated Claims System		300,000		
Total: HB 29/30	(944,200)	(12,180,872)	-	(4.00)

Public Safety Subcommittee — Item 67.20 #1h

Administration	**FY 10-11**	**FY 11-12**	
Compensation Board	$0	($944,200)	GF

Language:

Page 15, line 7, strike "$405,794,654" and insert "$404,850,454".
Page 18, line 5, strike "$2,294,794" and insert "$1,744,981".

Explanation:

(This amendment removes funding due to the delay in the opening of the Loudoun County Jail expansion ($394,387) until February 1, 2012, as well as removing the remaining fiscal year 2012 funding that supports the Pittsylvania County Jail expansion ($549,813).)

Public Safety Subcommittee — Item 3-1.01 #1h

Transfers

Interfund Transfers — Language

Language:

Page 182, after line 18, insert:
"WW. On or before June 30, 2012, the State Comptroller shall transfer $200,508 from the general fund to the Trust and Agency Fund (Fund 0700) for the Department of State Police to restore revenue inadvertently deposited to the general fund in fiscal year 2011."

Explanation:

(This amendment restores nongeneral fund revenue inadvertently deposited to the general fund in fiscal year 2011.)

Public Safety Subcommittee — Item 50 #1h

Judicial Department
Virginia Criminal Sentencing Commission — Language

Language:
Page 29, line 18, strike "A".
Page 29, strike lines 23 through 37.

Explanation:
(This amendment eliminates language directing the Virginia Criminal Sentencing Commission to administer a new pilot program to assess the viability of immediate sanctioning for technical probation violations. The legislation creating the pilot program was not adopted.)

Public Safety Subcommittee — Item 68 #1h

Administration	**FY 12-13**	**FY 13-14**	
Compensation Board	($879,896)	($886,142)	GF

Language:
Page 38, line 28, strike "$420,135,056" and insert "$419,255,160".
Page 38, line 28, strike "$420,779,860" and insert "$419,893,718".

Explanation:
(This amendment removes unneeded jail operating funding for the Pittsylvania jail expansion since the locality has placed an indefinite delay on opening this capacity. This funding can be restored once the locality decides to open this jail space.)

Public Safety Subcommittee — Item 69 #1h

Administration
Compensation Board — Language

Language:
Page 44, strike lines 3 through 6.

Explanation:

(This amendment eliminates language contained in House Bill 30, as introduced, providing for the payment of the state-responsible per diem rate for those technical probation violators subject to the provisions of a new immediate sanctioning jail pilot program. The legislation creating the pilot program was not adopted.)

Public Safety Subcommittee — Item 385 #1h

Public Safety	**FY 12-13**	**FY 13-14**	
Department Of Corrections	($924,288)	($924,288)	GF
	-12.00	-12.00	FTE

Language:

Page 281, line 14, strike "$83,909,227" and insert "$82,984,939".
Page 281, line 14, strike "$84,251,201" and insert "$83,326,913".
Page 281, strike lines 37 through 46.

Explanation:

(This amendment eliminates nearly $1.0 million per year and 12 positions provided for the operation of 10 pilot sites for the immediate sanctioning of technical violators who have not complied with the terms of their probation. Technical violators are defined as probation violators sentenced to jail or prison for their failure to abide by the terms of their probation rather than commitment of a new crime. Since fiscal year 2007, the number of these technical violators sentenced to jail has decreased by 23.4 percent, the number of these technical violators sentenced to prison has decreased by 38.2 percent, and, in fact, the number of technical violators committing new crimes has decreased by 13.4 percent. In addition, Virginia's violent crime and property crime rates are at their lowest levels in 40 years.)

Public Safety Subcommittee — Item 388 #1h

Public Safety	**FY 12-13**	**FY 13-14**	
Department Of Corrections	($12,331,667)	$0	GF

Language:

Page 283, line 40, strike "$835,020,019" and insert "$822,688,352".
Page 287, after line 35, insert,
"L. The amounts paid into the Corrections Special Reserve Fund, established in

accordance with § 30-19.1:4, Code of Virginia, shall be used in the first year to offset a portion of the budgeted amounts for the department's operation of secure correctional facilities."

Explanation:

(This amendment provides for the use of the amounts included for the additional prison operating costs associated with an increase in the prison population from bills increasing criminal penalties (often referred to as Woodrum amendments) to offset a portion of the Department of Corrections budgeted amounts for operating secure correctional facilities.)

Public Safety Subcommittee — Item 389 #1h

Public Safety
Department Of Corrections — Language

Language:

Page 287, strike lines 29 through 31 and insert:
"e. To increase the penalties for wounding or bodily injury caused by strangulation--$50,000."

Explanation:

(This amendment alters language contained in House Bill 30 regarding the Woodrum impact associated with the imposition of a new criminal penalties for strangulation. As described in House Bill 30, the penalty for strangulation was tied to the assault and battery of a family or household member if the assault and battery involved strangulation. The Courts of Justice Committee adopted a substitute prohibiting strangulation of any person. Consequently, the language contained in House Bill 30 must be modified to reflect House Bill 752 as it was actually adopted.)

Public Safety Subcommittee — Item 389 #2h

Public Safety	**FY 12-13**	**FY 13-14**	
Department Of Corrections	$50,000	$0	GF

Language:

Page 285, line 34, strike "$97,629,073" and insert "$97,679,073".
Page 287, line 18, strike "$12,128,309" and insert "$12,178,309".
Page 287, after line 32, insert:

"g. To require juveniles convicted of certain sexual offenses to register as a sex offender--$50,000."

Explanation:

(This amendment provides the "Woodrum" appropriation for House Bill 624, which would require juveniles 13 years old or older convicted of rape, forcible sodomy, or object penetration to register in the Sex Offender Registry. State law requires that any legislation that would result in an increase in the prison population over the succeeding six years from its enactment be accompanied by an appropriation that would cover the increased prison operating costs in one year resulting from the additional inmates. (This is often referred to as the "Woodrum amendment".))

Public Safety Subcommittee — Item 389 #3h

Public Safety	**FY 12-13**	**FY 13-14**	
Department Of Corrections	$76,231	$115,394	GF
	2.00	2.00	FTE

Language:

Page 285, line 34, strike "$97,629,073" and insert "$97,705,304".
Page 285, line 34, strike "$85,780,227" and insert "$85,895,621".

Explanation:

(This amendment provides for additional staff for evaluating inmates who meet the statutory criteria for involuntary commitment as sexual violent predators. Proposed legislation would create a more extensive evaluation process and the agency will need additional staff in order to complete the evaluations within the required time frame.)

Public Safety Subcommittee — Item 389 #4h

Public Safety	**FY 12-13**	**FY 13-14**	
Department Of Corrections	$50,000	$0	GF

Language:

Page 285, line 34, strike "$97,629,073" and insert "$97,679,073".
Page 287, line 18, strike "$12,128,309" and insert "$12,178,309".

Page 287, after line 32, insert:
"g. To add Carisoprodol to the list of Schedule IV controlled substances --$50,000."

Explanation:

(This amendment provides the "Woodrum" appropriation for House Bill 1140, which would add Carisoprodol, a prescription muscle relaxant, to the list of Schedule IV controlled substances in Virginia's drug control act. Nearly 3 million people reported to the federal Drug Enforcement Administration using this drug for non-medicinal reasons. State law requires that any legislation that would result in an increase in the prison population over the succeeding six years from its enactment be accompanied by an appropriation that would cover the increased prison operating costs in one year resulting from the additional inmates. (This is often referred to as the "Woodrum amendment".))

Public Safety Subcommittee — Item 389 #5h

Public Safety	**FY 12-13**	**FY 13-14**	
Department Of Corrections	$3,358	$0	GF

Language:

Page 285, line 34, strike "$97,629,073" and insert "$97,632,431".
Page 287, line 18, strike "$12,128,309" and insert "$13,839,657".
Page 287, after line 32, insert:
"g. To increase the penalties for predicate gang crimes involving prostitution --$3,358."

Explanation:

(This amendment provides the "Woodrum" appropriation for House Bill 546, which defines as a predicate criminal gang crime the detaining of a person for the purpose of prostitution or the receipt of earnings from any person engaged in prostitution. State law requires that any legislation that would result in an increase in the prison population over the succeeding six years from its enactment be accompanied by an appropriation that would cover the increased prison operating costs in one year resulting from the additional inmates. (This is often referred to as the "Woodrum amendment".))

Public Safety Subcommittee — Item 389 #6h

Public Safety	**FY 12-13**	**FY 13-14**

Department Of Corrections	$50,000	$0	GF

Language:

Page 285, line 34, strike "$97,629,073" and insert "$97,679,073".
Page 287, line 18, strike "$12,128,309" and insert "$13,839,657".
Page 287, after line 32, insert:
"g. To increase the penalties for new variants of synthetic cannabinoids and bath salts --$50,000."

Explanation:

(This amendment provides the "Woodrum" appropriation for House Bill 508, which amends the provisions criminalizing the production of synthetic cannabinoids (i.e. synthetic marijuana) and bath salts mimicking the effects of cocaine, LSD, ecstasy, and methamphetamine to include new variants of these substances that have been recently produced. In addition, House Bill 508, redefines synthetic cannabinoids to capture any new variants that may be produced so that the General Assembly will not be required to update the list of banned substances in subsequent Sessions. State law requires that any legislation that would result in an increase in the prison population over the succeeding six years from its enactment be accompanied by an appropriation that would cover the increased prison operating costs in one year resulting from the additional inmates. (This is often referred to as the "Woodrum amendment".))

Public Safety Subcommittee Item 389 #7h

Public Safety

Department Of Corrections Language

Language:

Page 287, strike 23 and 24, and insert,
"a. To increase the penalty for the display of child pornography or a grooming video and related materials to a child under 13 years of age -- $50,000."

Explanation:

(This amendment eliminates the Woodrum impact funding included in House Bill 30 to increase penalties for the use of telephones or other electronic devices to recruit people for a criminal street gang because that bill did not pass. In the place of that language, the provisions of House Bill 964 are substituted, because that bill did pass, and the Woodrum impact was the same.)

Public Safety Subcommittee Item 389 #8h

Public Safety
Department Of Corrections Language

Language:
Page 287, strike line 28, and insert,
"d. To increase the penalties for certain sex crimes committed against children age 13 or younger -- $50,000."

Explanation:
(This amendment eliminates the Woodrum impact to prevent the financial exploitation of the elderly, because the bill did not pass. In that bill's place, language is inserted for the Woodrum impact of House Bill 973, which imposes life sentences on adults who commit certain sex crimes against children 13 years old or younger, because that bill did pass, and the Woodrum impacts for the two bills was identical.)

Public Safety Subcommittee Item 389 #9h

Public Safety	**FY 12-13**	**FY 13-14**	
Department Of Corrections	$50,000	$0	GF

Language:
Page 285, line 34, strike "$97,629,073" and insert "$97,679,073".
Page 287, line 18, strike "$12,128,309" and insert "$12,178,309".
Page 287, after line 32, insert:
"g. To increase the penalties associated with the transmission of child pornography for the purpose of entry into a group sharing such pornography or in exchange for money or anything of value--$50,000."

Explanation:
(This amendment provides the "Woodrum" appropriation for House Bill 963, which would impose a penalty of imprisonment for five to 20 years for the transmission of child pornography by any individual for the purpose of gaining entry into a group of people trading or sharing child pornography to exchange child pornography for money or anything of value. State law requires that any legislation that would result in an increase in the prison population over the succeeding six years from its enactment be accompanied by an appropriation that would cover the increased prison operating costs in one year resulting from the additional inmates. (This is often referred to as the "Woodrum amendment".))

Public Safety Subcommittee Item 389 #10h

Public Safety
Department Of Corrections Language

Language:
Page 287, line 18, strike "$12,128,309", and insert "$12,331,667".

Explanation:
(This amendment updates the level of funding required by statute for the correctional system impacts associated with those bills increasing penalties for criminal activity approved by the House of Delegates. State law requires that any legislation that would result in an increase in the prison population over the succeeding six years from its enactment be accompanied by an appropriation that would cover the increased prison operating costs in one year resulting from the additional inmates. (This is often referred to as the "Woodrum amendment".))

Public Safety Subcommittee Item 398 #1h

Public Safety
Department Of Emergency Management Language

Language:
Page 293, after line 12, insert:
"E. Consistent with any Executive Order signed by the Governor, the Secretary of Finance or his designee may provide the department anticipation loans in such amounts as may be needed to appropriately reimburse the department for disaster related costs. Such loans shall be based on the federal reimbursements anticipated in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act and, notwithstanding the provisions of § 4-3.02 b of this act, may be extended for a period longer than twelve months, if necessary.

Explanation:
(This amendment provides authority for the issuance of anticipatory revenue loans from the state treasury to the Department of Emergency Management (VDEM). While VDEM is still compiling Virginia's costs from Hurricane Irene, the Federal Emergency Management Agency (FEMA) has yet to inform VDEM about the length

of FEMA's review process or how long it may be before reimbursement is made. All costs associated with disaster relief are now required to be compiled by a state prior to submission to FEMA. Without the ability to secure the anticipatory revenue loan, the process of compiling costs and awaiting reimbursement could affect agency operations.)

Public Safety Subcommittee — Item 405 #1h

Public Safety	**FY 12-13**	**FY 13-14**	
Department Of Forensic Science	5.00	5.00	FTE

Language:

Explanation:

(This amendment restores five positions to the agency's photo support services and permits the agency to instead achieve savings proposed in the introduced budget through operational efficiencies.)

Public Safety Subcommittee — Item 412 #1h

Public Safety	**FY 12-13**	**FY 13-14**	
Department Of Military Affairs	$1,335,213	$1,335,213	GF

Language:

Page 298, line 44, strike "$2,818,082" and insert "$4,153,295".
Page 298, line 44, strike "$2,818,082" and insert "$4,153,295".

Explanation:

(This amendment reflects the transfer of appropriation from the Department of Juvenile Justice to the Department of Military Affairs for the Commonwealth Challenge program. The introduced budget reduced funding in the Department of Juvenile Justice for the Challenge program, but failed to add it under the Department of Military Affairs.)

Public Safety Subcommittee — Item 416 #1h

Public Safety	**FY 12-13**	**FY 13-14**

Department Of State Police	$200,000	$200,000	GF

Language:

Page 300, line 3, strike "$52,132,298" and insert "$52,332,298".
Page 300, line 3, strike "$52,132,298" and insert "$52,332,298".

Explanation:

(This amendment provides additional general fund support for the instant firearms background checks program. The current $2.00 fee charged for these firearms background checks is insufficient to cover the costs of the program. Virginia's instant firearms background check program ensures that juvenile felons, persons convicted of domestic abuse, persons against whom a protective order has been filed, and persons with mental health diagnoses do not purchase a firearm. A number of these persons for whom Virginia prohibits firearm purchases are not captured through U.S. Federal Bureau of Investigation or other states' records.)

Public Safety Subcommittee — Item 416 #2h

Public Safety	**FY 12-13**	**FY 13-14**	
Department Of State Police	1.00	1.00	FTE

Language:

Explanation:

(This amendment provides a position that the State Police says is needed for implementation of Chapter 503, which was adopted by the 2011 Session of the General Assembly.)

Public Safety Subcommittee — Item 462 #1h

Veterans Affairs And Homeland Security	**FY 12-13**	**FY 13-14**	
Department Of Veterans Services	$150,000	$150,000	GF

Language:

Page 349, line 26, strike "$6,554,010" and insert "$6,704,010".
Page 349, line 26, strike "$6,554,010" and insert "$6,704,010".
Page 349, after line 43, insert:

"D. Out of the amounts appropriated for this item, $150,000 the first year and $150,000 the second year from the general fund is provided for the licensing fees associated with an automated claims processing system for the submission of veterans' benefit claims."

Explanation:

(This amendment provides funding for the licensing fees associated with an automated claims system for developing veterans claims for processing by the U.S. Department of Veterans' Affairs.)