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## SENATE JOINT RESOLUTION NO. 95

Offered January 11, 2006

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*Establishing a joint subcommittee to study the effects of incarceration on children, families, communities, and the economy. Report.*

Patrons—Hanger, Colgan, Devolites Davis and Quayle; Delegates: Albo, Reid and Rust

Referred to Committee on Rules

WHEREAS, between 1980 and 2005, the Virginia prison population grew by more than 420%, increasing from 8,521 to 35,899 people; and

WHEREAS, it is currently estimated that as many as two of every three persons admitted to prison in the United States are incarcerated because they violated either probation or parole supervision; and

WHEREAS, prior to the sentencing reforms initiated in 1995, the Commonwealth already enjoyed a crime rate that was below the national average and still declining; and

WHEREAS, since 1995, the crime rate has continued to decline, but so too has the crime rate in other states whether they increased or reduced their prison populations; and

WHEREAS, the state has already added 6,400 prison beds to its correctional system at a cost of close to \$300 million; and

WHEREAS, operational expenditures have increased by 85% over 10 years, to \$809.5 million in 2004 from \$436.5 million in 1994; and

WHEREAS, the 1994 reform package will continue having a significant impact, and it is estimated that the prison population will continue to rise and peak at 42,000 offenders by 2010; and

WHEREAS, to meet this demand, it is estimated that the state will need to construct another 10,000 prison beds; and

WHEREAS, facing this potential capacity shortage, and despite a budget shortfall, the Virginia legislature in 2004 approved 3,448 new prison beds at a cost of \$196.6 million; and

WHEREAS, more than 90% of all those who go to prison return to their communities, and Virginia experienced a growth in the number of people released from prison between 1980 and 2004, increasing from 3,582 to 12,546 people; and

WHEREAS, national studies show that 44% of former prisoners are re-arrested within 12 months of release from prison or jail, but those figures are reduced significantly with quality education, vocational, and work programs; and

WHEREAS, more prisoners are returning home unprepared for reintegration, less connected to community-based social structures, more likely to have health or substance abuse problems, and facing limited availability of jobs, housing, and social services; and

WHEREAS, returning prisoners may generate greater costs to communities, including costs associated with crime and public safety, greater public health risks, and high rates of unemployment and homelessness; and

WHEREAS, an African-American male born in 2001 has a 1 in 3 chance of being imprisoned during his lifetime, compared to a 1 in 6 chance for a Latino male and a 1 in 17 chance for a white male; and

WHEREAS, if current rates of incarceration continue, 32.2% of African-American males born in 2001 will be incarcerated at some point in their lives, compared to 16.7% of Hispanic males and 5.9% of white males; and

WHEREAS, about 10% of African-American men in their mid-to-late twenties are behind bars and in some cities more than half of young African-American men are under the supervision of the criminal justice system; and

WHEREAS, more than 60% of the people behind bars in America are people of color; and

WHEREAS, in 1999, African-Americans constituted 13% of drug users; Hispanics, 11%; and whites, 72%; and in that same year, African-Americans constituted 35% of drug arrests, 53% of drug convictions, and 58% of those in prison for drug offenses; and

WHEREAS, incarcerating nonviolent offenders who pose no serious public safety risks for longer periods of time not only generates greater costs for corrections, but also costs the Commonwealth by increasing the number of families receiving public assistance, lowering the average available household incomes for those that purchase from local small businesses, reducing the average taxable household income, and diverting state expenditures to out-of-state contracts; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the effects of incarceration on children, families, communities, and the economy.

INTRODUCED

S195

59 The joint subcommittee shall have a total membership of 17 members that shall consist of nine  
60 legislative members, two nonlegislative citizen members, and six ex officio members. Members shall be  
61 appointed as follows: three members of the Senate to be appointed by the Senate Committee on Rules;  
62 six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in  
63 accordance with the principles of proportional representation contained in the Rules of the House of  
64 Delegates; one nonlegislative citizen member who shall be a member of a faith-based or other nonprofit  
65 organization working with offenders, a representative of local government, or a member of an  
66 organization that provides services to victims of crime to be appointed by the Senate Committee on  
67 Rules; and one nonlegislative citizen member who shall be a member of a faith-based or other nonprofit  
68 organization working with offenders, a representative of local government, or a member of an  
69 organization that provides services to victims of crime to be appointed by the Speaker of the House of  
70 Delegates. The Secretary of Public Safety or his designee, the Director of the Department of Corrections  
71 or his designee, the Superintendent of the Department of Correctional Education or his designee, the  
72 Director of the Department of Planning and Budget or his designee, the Director of the Department of  
73 Minority Business Enterprise or his designee, and the Commissioner of the Department of Social  
74 Services or his designee shall serve ex officio with nonvoting privileges. Nonlegislative citizen members  
75 of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved  
76 in writing by the chairman of the joint subcommittee and the respective clerk, nonlegislative citizen  
77 members shall only be reimbursed for travel originating and ending within the Commonwealth of  
78 Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is  
79 agreed to, written authorization of both clerks shall be required. The joint subcommittee shall elect a  
80 chairman and vice chairman from among its membership, who shall be members of the General  
81 Assembly.

82 In conducting its study, the joint subcommittee shall identify and develop strategies to overcome  
83 adverse effects of incarceration on children, families, communities, and the economy; and shall consider  
84 the overall benefits versus costs of incarcerating nonviolent offenders, whether the current sentencing  
85 system combined with statutory mandatory minimum sentences and prosecutorial practices provide  
86 appropriate punishment without overreliance on incarceration, and to what extent racial and ethnic  
87 disparity can be reduced in the criminal justice system.

88 Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal,  
89 research, policy analysis, and other services as requested by the joint subcommittee shall be provided by  
90 the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the  
91 joint subcommittee for this study, upon request.

92 The joint subcommittee shall be limited to four meetings for the 2006 interim, and the direct costs of  
93 this study shall not exceed \$10,300 without approval as set out in this resolution. Of this amount an  
94 estimated \$500 is allocated for speakers, materials, or other resources. Approval for unbudgeted  
95 nonmember-related expenses shall require the written authorization of the chairman of the joint  
96 subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed  
97 to, written authorization of both Clerks shall be required.

98 No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members  
99 or a majority of the House members appointed to the joint subcommittee (i) vote against the  
100 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the  
101 joint subcommittee.

102 The joint subcommittee shall complete its meetings by November 30, 2006, and the chairman shall  
103 submit to the Division of Legislative Automated Systems an executive summary of its findings and  
104 recommendations no later than the first day of the 2007 Regular Session of the General Assembly. The  
105 executive summary shall state whether the joint subcommittee intends to submit to the General  
106 Assembly and the Governor a report of its findings and recommendations for publication as a House or  
107 Senate document. The executive summary and report shall be submitted as provided in the procedures of  
108 the Division of Legislative Automated Systems for the processing of legislative documents and reports  
109 and shall be posted on the General Assembly's website.

110 Implementation of this resolution is subject to subsequent approval and certification by the Joint  
111 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or  
112 delay the period for the conduct of the study, or authorize additional meetings during the 2006 interim.