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SENATE BILL NO. 1311

Offered January 14, 2009

Prefiled January 14, 2009

A BILL to amend and reenact §§ 53.1-81 and 53.1-82 of the Code of Virginia, relating to construction and operation of regional jail facilities.

Patrons—Hurt; Delegates: Marshall, D.W. and Poindexter

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-81 and 53.1-82 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-81. Construction and operation of regional jail facilities; state reimbursement; agreements with Department.

A. Three or more cities or counties, or any combination thereof, are authorized, pursuant to approval of the Board, to construct, enlarge or renovate a regional jail facility or to enlarge or renovate an existing jail for the purpose of establishing a regional jail facility. In addition, (i) any regional jail facilities established by three or more cities, counties or towns, or any combination thereof, on or before January 31, 1993, (ii) any existing regional jail facilities established by only two cities, counties or towns on or before June 30, 1982, ~~and~~ (iii) any regional jail facilities established by only two contiguous counties whose boundaries are not contiguous by land with the boundaries of any other county in the Commonwealth, *and (iv) two cities or counties, or any combination thereof, where the combined population is over 100,000 and the combined area covers at least 1,000 square miles,* may participate under the provisions of this section. On and after December 1, 1989, subject to the provisions of § 53.1-82.2, the Commonwealth shall reimburse each such locality its pro rata share up to one-half of the capital costs, as defined in § 53.1-82.2, of such construction, enlargement or renovation in accordance with the provisions of this section. However, regional jails created by any combination of three or more cities or counties on or after February 1, 1993, shall not be eligible for such reimbursement unless at least three of the participating localities of such combination were each operating a jail on February 1, 1993. The Board shall promulgate regulations, to include criteria which may be used to assess need and establish priorities, to serve as guidelines in evaluating requests for such reimbursement and to ensure the fair and equitable distribution of state funds provided for such purpose. The Department shall apply such regulations in preparing requests for appropriations. No such reimbursement shall be had unless the plans and specifications, including the need for additional personnel, thereof have been submitted to the Governor and the jail project has been approved by him. The Governor shall base his approval in part on the expected operating cost-efficiency of the interior design of the facility. Such reimbursement shall be paid subject to the provisions of § 53.1-82.2.

Such counties, cities, towns, or combination thereof may enter into agreements with the Department of Corrections for the Department to operate such jail or to pay the costs of maintenance, upkeep and other operational costs of the jail. Each city, county or town shall, however, bear the expense of local prisoners from such city, county or town. In such case, the Department shall receive such costs from the funds appropriated in the general appropriation act for criminal costs. The method of operation by the Department shall be in the manner it prescribes, notwithstanding any other provision of law designating sheriffs as the keepers of jails.

In lieu of an agreement by the localities with the Board for construction or operation of jail facilities, the Board may agree to sell land owned by the Commonwealth to the localities. The Governor is hereby authorized, at his discretion and upon the advice of the Board, to execute a conveyance of such land in a form approved by the Attorney General.

B. In the event that a county, city or town requests and receives financial assistance for capital costs of such jail project from the Department of Criminal Justice Services or from other public fund sources outside of the provisions of this section, the total financial assistance and reimbursement shall not exceed the total cost of the project.

§ 53.1-82. Regional contracts for cooperative jailing of offenders; state reimbursement.

A. Three or more counties or cities, or any combination thereof, are authorized to contract for services for the detention and confinement of categories of offenders in single or regional jail facilities operated by the contracting jurisdictions. In addition, (i) any three or more counties, cities or towns, or any combination thereof, operating a jail facility pursuant to an agreement for cooperative jailing established on or before January 31, 1993, (ii) any existing regional jail facilities established by only two cities, counties, or towns on or before June 30, 1982, ~~and~~ (iii) any regional jail facilities established

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59 by only two contiguous counties whose boundaries are not contiguous by land with the boundaries of
60 any other county in the Commonwealth, *and (iv) two cities or counties, or any combination thereof,*
61 *where the combined population is over 100,000 and the combined area covers at least 1,000 square*
62 *miles,* may participate under the provisions of this section. The Board shall promulgate regulations
63 specifying the categories of offenders which may be served pursuant to the contracts provided for
64 herein.

65 The governing bodies of localities participating in an agreement for cooperative jailing shall create a
66 board to advise the locality in which the jail facility is located on matters affecting operation of the
67 facility. Each participating locality shall have at least one representative on the board. The sheriff and
68 any member of the local governing body of each participating locality shall be eligible for appointment
69 to the board; however, when a participating locality appoints more than one representative, the sheriff
70 shall be appointed unless the sheriff is the administrator or superintendent of the jail facility operated
71 pursuant to the agreement for cooperative jailing. A sheriff serving as such administrator or
72 superintendent shall be an ex officio member of the board.

73 When such contracts are approved by the Board and, for the implementation of the contract, require
74 the construction, enlargement or renovation of a regional jail facility or the enlargement or renovation of
75 an existing jail, the Commonwealth shall reimburse each such locality its pro rata share, up to one-half,
76 of the capital costs, as defined in § 53.1-82.2, of such jail project in accordance with the provisions of
77 this section and § 53.1-82.2. Any agreement for cooperative jailing entered into on or after July 1, 1991,
78 which requires the construction, enlargement or renovation of a single or regional jail facility shall
79 require such counties, cities and towns to participate in the costs of the facility for a minimum period of
80 thirty years. The Board shall promulgate regulations, to include criteria which may be used to assess
81 need and establish priorities, to serve as guidelines in evaluating requests for such reimbursement and to
82 ensure the fair and equitable distribution of state funds provided for such purpose. The Department shall
83 apply such regulations in preparing requests for appropriations. No such reimbursement shall be had
84 unless the plans and specifications, including the need for additional personnel, thereof have been
85 submitted to the Governor, and the jail project has been approved by him. The Governor shall base his
86 approval in part on the expected operating cost-efficiency of the interior design of the facility. Such
87 reimbursement shall be paid subject to the provisions of § 53.1-82.2.

88 B. In the event that a county, city or town requests and receives financial assistance for capital costs
89 of a jail project from the Department of Criminal Justice Services or from other public fund sources
90 outside of the provisions of this section, the total financial assistance and reimbursement shall not
91 exceed the total cost of the project.

92 In addition, no such reimbursement shall be had by localities entering into a contract pursuant to this
93 section on or after February 1, 1993, unless at least three of the participating localities were each
94 operating a jail on February 1, 1993.

95 **2. That notwithstanding the provisions of § 53.1-82.3 of the Code of Virginia, the City of Danville**
96 **and the County of Pittsylvania may submit the required community-based corrections plan, facility**
97 **specifications, and expected financing costs to the Department of Corrections by March 1, 2009.**
98 **Furthermore, the Governor may include a recommendation for funding such project for**
99 **consideration by the General Assembly at its 2010 Session.**