

## Department of Planning and Budget 2017 Fiscal Impact Statement

**1. Bill Number: HB 1782**

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron: Bell, Robert B.**

**3. Committee: Militia, Police, and Public Safety**

**4. Title: State Board of Corrections: membership and duties**

**5. Summary:**

Under current law, the Virginia Board of Corrections is required to establish minimum operating standards for local and regional jails. The proposed legislation would expand the Board's powers and duties to include the development and implementation, in consultation with the State Department of Health and the Office of the Chief Medical Examiner, policies and procedures for the review of any death, determined by the Board to warrant review, of an inmate incarcerated in any local, regional, or community correctional facility. The purposes of such review would be to determine:

- the circumstances surrounding the inmate's death, including any act or omission by the jail or its staff that may have contributed to the inmate's death; and
- whether the facility was in compliance with the Board's regulations.

The legislation would require the Board to submit a detailed report of its findings of any review to the Governor, the General Assembly, and the Department of Corrections.

Finally, the legislation would reconstitute the composition of the Board. Under current law, the Board is composed of nine members appointed by the Governor and confirmed by the General Assembly. As for qualifications of the members, the current statute provides only that the Board shall include "persons suitably qualified to consider and act upon the various matters under the Board's jurisdiction." The proposed legislation would require the Board to be comprised as follows:

- One former sheriff or former warden, superintendent, administrator, or operations manager of a state or local correctional facility with at least eight years' experience in managing correctional facilities;
- One person employed by a public mental health agency or with training in or clinical, managerial, or other relevant experience working with persons in the criminal justice system who have mental illness;
- One person with experience overseeing a correctional facility's or mental health facility's compliance with laws and regulations;

- One physician;
- One person experienced in administering educational or vocational programs in state or local correctional facilities;
- One person with experience in financial management or performing audit investigations;
- One citizen member who represents community interests; and
- Two persons with experience in conducting criminal, civil, or death investigations.

**6. Budget Amendment Necessary:** No. The Governor’s introduced budget includes funding for the fiscal impact of this bill.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2017	0	
2018	\$200,000	General
2019	\$275,000	General
2020	\$275,000	General
2021	\$275,000	General
2022	\$275,000	General

**8. Fiscal Implications:**

According to the Department of Corrections, there were 36 inmate deaths in local and regional jails in 2015 and 42 in 2016. The proposed legislation does not require the Board to review all deaths, only those it determines warrant review, and some of these deaths would be “routine”, i.e. resulting from an underlying serious medical condition. However, to carry out its responsibilities under the legislation, the Board would need to gather some information about each death to determine if additional review were warranted. For some inmate deaths, the circumstances may warrant extensive review. In addition, for each review, the legislation requires the Board to prepare a detailed report. To carry out these responsibilities, the Board would need at least two additional staff and additional funds for travel.

Because there would probably be some delay in recruiting and filling the positions, the costs in the first year would be lower than in subsequent years, which would account for the increased costs shown in the years after FY 2018.

**9. Specific Agency or Political Subdivisions Affected:**

Board of Corrections  
Department of Corrections

Department of Health  
Office of the Chief Medical Examiner  
Local and regional jails.

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** Similar to SB 942.

**Date:** 1/13/2017