Department of Planning and Budget
2019 Fiscal Impact Statement

1. **Bill Number:** HB1642 ER

House of Origin	☐	Introduced	☐	Substitute	☐ Engrossed
Second House	☐	In Committee	☐	Substitute	☒ Enrolled

2. **Patron:** Hope

3. **Committee:** Passed Both Houses

4. **Title:** Department of Corrections; restrictive housing; data collection and reporting; report.

5. **Summary:** This bill requires the Department of Corrections (DOC) to submit a report to the General Assembly and the Governor on or before October 1 each year that contains the following statistical information, for the Department in the aggregate, regarding the Department's use of restrictive housing and Shared Allied Management (SAM) units:

1. The average daily population;
2. The number of offenders who were placed in and the number of offenders who were released from restrictive housing;
3. The age, sex, race, ethnicity, mental health code, medical class code, security level, and custody level classification of each offender housed in restrictive housing or a SAM Unit;
4. The disciplinary offense history preceding placement in restrictive housing or a SAM Unit;
5. The number of days each offender spent in restrictive housing;
6. The number of offenders released from restrictive housing directly into the community;
7. The number of full-time mental health staff; and
8. Any changes made during the reporting period to written policies or procedures of the Department and each state correctional facility relating to the use and conditions of restrictive housing and SAM Units.

The substitute bill requires the Department to submit the report to the Governor, the Chairmen of the House Committee on Militia, Police and Public Safety and the Senate Committee on Rehabilitation and Social Services, and the Clerks of the House of Delegates and the Senate as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports, and post the report on the General Assembly's website. The Department shall also publish the report on the Department's website following its submission to the Governor, the Chairmen of the House Committee on Militia, Police and Public Safety and the Senate Committee on Rehabilitation and Social Services, and the Clerks of the House of Delegates and the Senate.

The substitute bill defines the following terms:

"Offender" means an adult or juvenile who is confined in a state correctional facility.

"Restrictive housing" means special-purpose bed assignments operated under maximum security regulations and procedures, and utilized under proper administrative process, for the personal protection or custodial management of offenders. The Department of Corrections' restrictive housing shall, at a minimum, adhere to the standards adopted by the American Correctional Association, the accrediting body for the corrections industry.

"Shared Allied Management Unit" or "SAM Unit" means a general population environment used to promote safety within institutions by avoiding the use of restrictive housing to manage vulnerable population that typically require a high level of services from security, mental health, or medical staff.

"Vulnerable population" means offenders who are at a greater risk of victimization or being bullied in the general population due to characteristics such as cognitive challenge, age (seniors and youthful), small stature, or timid personalities.

6. **Budget Amendment Necessary**: No

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

8. **Fiscal Implications:** According to the DOC, the agency will be able to absorb the costs associated with the proposed legislation within its current budget.

9. **Specific Agency or Political Subdivisions Affected:** Department of Corrections

10. **Technical Amendment Necessary:** None

11. **Other Comments:** This bill is identical to SB1777 ER