

Department of Planning and Budget

2021 Fiscal Impact Statement

1. Bill Number: SB1363 S1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Marsden

3. Committee: Rehabilitation and Social Services

4. Title: Board of Local and Regional Jails; powers and duties.

5. Summary: This bill provides the Board of Local and Regional Jails (the Board) the authority to: (i) ensure the development of long-range policies, programs, and plans for corrections services provided at the state and local levels; (ii) review and comment on all budgets and requests for appropriations for the Department of Corrections (the Department) prior to submission to the Governor and on all applications for federal funds, (iii) monitor the activities of the Department and its effectiveness in implementing the standards and goals of the Board. The bill also allows the Board to authorize the payment of medical expenses incurred by a prisoner after his release or discharge from the Department when such expenses are the result of an injury suffered by the prisoner while incarcerated and not caused by the misconduct of the prisoner. Chapter 375, 2011 Acts of Assembly, repealed the Board's authority to perform these tasks.

The substitute bill expands the Board from nine to 14 members. The bill sets specific requirements for membership including: one former attorney for the Commonwealth; one mental health professional; one former defense attorney; one former inmate of a state correctional facility; one former correctional officer; one former sheriff; one former regional jail superintendent; and one representative of an organization that advocates for prisoner rights. The bill also requires six regional representatives who have expertise in corrections and that reflects the racial, ethnic, and gender diversity of the Commonwealth.

The substitute bill expands the powers and duties of the Board to include establishing operational and fiscal standards, promulgating rules and regulations, implementing policies and procedures for reviewing inmate deaths, establishing minimum standards for health care services for state correctional facilities.

6. Budget Amendment Necessary: Yes, Item 402.

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

8. Fiscal Implications: The DOC currently provides staff support to the Board of Local and Regional Jails, including budgeting and other administrative functions. Based on the expansion of Board's duties in the substitute version of the bill, the Department of Corrections (DOC) believes the Board or the DOC would require additional resources to

implement the provisions of this legislation. DOC believes that up to eight additional support staff may be needed, at an annual cost of \$664,604 (salary and benefits). These positions include facilities and management analysts, fiscal and grants specialists, and administrative staff. .

The bill provides that the Board may authorize the payment of medical expenses incurred by a prisoner after his release or discharge from DOC when such expenses are the result of an injury suffered by the prisoner while incarcerated at a state correctional facility and not caused by the misconduct of the prisoner. Each year, approximately 12,500 state-responsible prisoners are released from incarceration; in calendar year 2019, about 55 percent of these were released from DOC facilities, the remainder were released from local and regional jails. It is not feasible to determine at this time how many prisoners would seek payment of medical expenses incurred after release for injury sustained while the prisoner was incarcerated in a state correctional facility. It is also not feasible to estimate the amount that would be requested by the prisoner, and the amount that would be authorized by the Board. The provisions of the bill are expected to have an impact on DOC's resources, but the amount cannot be determined at this time.

9. Specific Agency or Political Subdivisions Affected: Board of Local and Regional Jails, Department of Corrections

10. Technical Amendment Necessary: No

11. Other Comments: None