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SENATE JOINT RESOLUTION NO. 91

Offered January 11, 2006

Prefiled January 11, 2006

Establishing a joint subcommittee to study increasing the accessibility to higher education for incarcerated persons. Report.

Patron—Newman

Referred to Committee on Rules

WHEREAS, the United States Department of Justice's Bureau of Justice Statistics reported that "on December 31, 2004, there were 2,135,901 prisoners held in federal or state prisons or in local jails, an increase of 2.6% from year end 2003, and that the number of women under the jurisdiction of state or federal prison authorities increased 4.0% from year end 2003, reaching 104,848 and the number of men rose 1.8%, totaling 1,391,781"; and

WHEREAS, the goal of incarceration is to punish criminals for illegal actions and to reform, rehabilitate, and restore persons who have been incarcerated to the community as productive, law-abiding citizens; and

WHEREAS, as a deterrence to crime, incarceration protects the public safety by getting criminals off the streets for long periods of time; and

WHEREAS, while the effectiveness of prison college programs in reducing recidivism led to their widespread adoption across the country, such programs were discontinued during the early 1990s, and only a few programs have remained active throughout the nation; and

WHEREAS, a disproportionate number of persons incarcerated today represents economically depressed communities, and those who were poorly educated, functionally illiterate, and unemployed before incarceration; and

WHEREAS, many of these persons will be returned to the community, and will require jobs, housing, healthcare, and other personal and support services, and increasing higher education opportunities for incarcerated persons will assist in avoiding costly reincarceration; and

WHEREAS, "persons who take college courses while in prison improve their chances of attaining and keeping employment after release and are less likely to commit additional crimes that lead to their return to prison," according to research conducted at the New Mexico State University; and

WHEREAS, in the late 1980s, Virginia established the Literacy Incentive Program to teach prisoners to read before their release and to provide a disincentive to return to a life of crime; and

WHEREAS, the opportunity to seek a college education is offered to eligible inmates by the Department of Correctional Education through federally funded postsecondary and distance learning programs with various Virginia community colleges and other institutions of higher education nationwide; and

WHEREAS, to participate in the program inmates must (i) have their own financial resources or seek financial assistance other than Pell grants, (ii) have a General Education Development (GED) certificate or high school diploma, (iii) be 25 years of age or younger, within five years of release, and accepted by a community college, and (iv) have no infractions for 90 days prior to enrollment; and

WHEREAS, participation in college education programs while incarcerated reduces recidivism, creates a better managed prison environment, positively affects the lives of prisoners and their families, and is a cost-effective public policy, saving tax dollars by reducing reincarceration and the need for prisons; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study increasing the accessibility to higher education for incarcerated persons. The joint subcommittee shall have a total membership of 16 members that shall consist of 10 legislative members, and six ex officio members. Members shall be appointed as follows: four members of the Senate to be appointed by the Senate Committee on Rules; and six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. The Secretary of Public Safety, the Director of the Department of Corrections, the Director of the Department of Juvenile Justice, the Superintendent of Public Instruction, the Executive Director of the State Council of Higher Education, the Chancellor of the Virginia Community College System, or their designees shall serve ex officio with nonvoting privileges. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall (i) evaluate the existing college education

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SJ91

59 program for prisoners in Virginia, including its advantages, the effect on recidivism, the benefits of such
60 programs to prisoners, their families, and the community; (ii) identify program needs and recommend
61 solutions; (iii) review prisoner college education programs in other states, (iv) consider financial aid
62 alternatives to assist inmates in accessing college, and ways to finance prisoner college education
63 programs in the Commonwealth; (iv) recommend ways in which more inmates may be accommodated in
64 prisoner college education programs; and (v) consider such other related matters as the joint
65 subcommittee may deem necessary and appropriate to satisfy the objectives of this study.

66 Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal,
67 research, policy analysis, and other services as requested by the joint subcommittee shall be provided by
68 the Division of Legislative Services. Technical assistance shall continue to be provided by the
69 Departments of Corrections, Juvenile Justice, and Education, the State Council of Higher Education, and
70 the Virginia Community College System. All agencies of the Commonwealth shall provide assistance to
71 the joint subcommittee for this study, upon request.

72 The joint subcommittee shall be limited to four meetings for the 2006 interim and four meetings for
73 the 2007 interim, and the direct costs of this study shall not exceed \$ 10,500 for each year without
74 approval as set out in this resolution. Of this amount, an estimated \$ 1,000 is allocated for speakers,
75 materials, and other resources. Approval for unbudgeted nonmember-related expenses shall require the
76 written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion
77 joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

78 No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members
79 or a majority of the House members appointed to the joint subcommittee (i) vote against the
80 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
81 joint subcommittee.

82 The joint subcommittee shall complete its meetings for the first year by November 30, 2006, and for
83 the second year by November 30, 2007, and the chairman shall submit to the Division of Legislative
84 Automated Systems an executive summary of its findings and recommendations no later than the first
85 day of the next Regular Session of the General Assembly for each year. Each executive summary shall
86 state whether the joint subcommittee intends to submit to the General Assembly and the Governor a
87 report of its findings and recommendations for publication as a House or Senate document. The
88 executive summaries and reports shall be submitted as provided in the procedures of the Division of
89 Legislative Automated Systems for the processing of legislative documents and reports and shall be
90 posted on the General Assembly's website.

91 Implementation of this resolution is subject to subsequent approval and certification by the Joint
92 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
93 delay the period for the conduct of the study, or authorize additional meetings during the 2006 and 2007
94 interim.