

## Department of Corrections 2007 Fiscal Impact Statement

**1. Bill Number** HB 2512

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

**2. Patron** Jones, D.C.

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

**4. Title** Regional jail authorities

**5. Summary/Purpose:**

Current law authorizes any combination of two or more counties or cities to establish a regional jail board or authority, with the authority to operate a regional jail or farm.

The proposed legislation would authorize a city and the state to operate a regional jail. The governing body of a regional jail established by a city and the state would consist of the State Board of Corrections, the sheriff of the city, and a representative of the city appointed by the city council. The state and the city would share the expenses of building and operating a regional jail.

**6. Fiscal Impact:** Preliminary. See Item 8.

**7. Budget amendment necessary:** None. No budget bill provision would be needed until a city and the state agreed to form a regional jail authority.

**8. Fiscal implications:**

Although it is not possible to develop a reasonable estimate of the amounts, the proposed legislation would have a fiscal impact on the state in two aspects—capital and operating costs.

**Capital costs**

Under current law, political subdivisions establishing a regional jail “shall pay their pro rata costs for land, stock, equipment and structures.” The proposed legislation would provide that a city and a state establishing a regional jail would similarly pay their pro rata costs. It is not clear how a city and a state would divide up such capital costs on a pro rata basis. Another section of the Code provides for the state to reimburse a city or county for one-fourth of the capital costs of jail construction. Therefore, to the extent that the state’s “pro rata” share would be more than 25 percent, the proposed legislation would result in increased costs for the Commonwealth.

Another provision of current law increases the uncertainty in determining the fiscal impact of the bill. Under that section, the state reimbursement for the capital costs of a regional jail would be 50 percent, rather than 25 percent, as it is for a jail constructed or expanded by a single city or county. Therefore, it might be interpreted that a “regional” jail established by a city and the state under the proposed legislation would be eligible for the 50 percent reimbursement. However, under the statute establishing the 50 percent reimbursement rate, only regional jail authorities consisting of three or more political subdivisions would be eligible. The proposed legislation does not amend that section.

### **Operating**

Current law provides that the jurisdictions participating in a regional jail shall pay the expenses of operating the facility, in excess of what the state provides in per diem payments and support for deputies, based on each jurisdiction’s share of the total number of prisoner days. The proposed legislation would provide that, in the case of a regional jail established by a city and the state, the state would also bear a share of these costs. Although it is not explicitly set out, it is assumed that the state’s share would be based on the number of prisoner days attributable to “state-responsible” inmates. The Commonwealth already pays a significant portion of the operating costs of local jails—100 percent of the salaries of the approved number of deputies, as well as per diem payments, ranging from \$8 to \$28, for persons held in a jail. The proposed legislation would increase the amount of operating costs the state would bear for a regional jail established by the state and a city, although it is not possible to estimate the increased amount.

### **9. Specific agency or political subdivisions affected:**

Department of Corrections

### **10. Technical amendment necessary:** None.

### **11. Other comments:**

The proposed legislation provides that the managing board or authority of a regional jail consisting of a city and the state include the State Board of Corrections. However, state law gives the Board of Corrections the responsibility of establishing minimum standards for the operation of local and regional jails, inspecting local and regional jails, and taking action against those that do not meet the Board’s standards (§§ 53.1-68 and 53.1-69, Code of Virginia). Being a part of the governing body of a regional jail that it must also regulate may put the Board in a position of having a conflict of interest.

**Date:** 01/15/07 / dpbrwh