

Department of Planning and Budget 2006 Special Session Fiscal Impact Statement

1. **Bill Number** HB 2879

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. **Patron** McEachin

3. **Committee** Appropriations

4. **Title** Relief for Charles City County

5. **Summary/Purpose:**

The bill would reimburse Charles City County for the additional money it had to pay to the Riverside Regional Jail Authority to house prisoners from the county beyond the time that the Department of Corrections was required by state statute to transfer those prisoners to state custody.

Any offender who has been convicted of a felony and given a sentence of more than one year is subject to serving that sentence in a state correctional facility. Such an offender is regarded as "state responsible". The Department of Corrections (DOC) is directed by statute to transfer a state responsible inmate to its custody within sixty days of receiving the final court order.

Because state prisons have been filled to capacity in recent years, DOC has often been unable to transfer state responsible inmates to its custody within the sixty days required by statute. Such inmates that are left in local jails beyond that time are termed "out-of-compliance" inmates.

Charles City County is a member of the Riverside Regional Jail Authority. Its agreement with the Authority calls for it to pay the Authority \$37 per day for any offender arrested in Charles City County and housed in the regional jail. During FY 2005 and FY 2006, several offenders arrested in the county were in the regional jail beyond the sixty-day limit in which they were to be transferred to state custody. Therefore, the county had to pay \$37 per day more for these offenders than it would have if DOC had transferred them as provided by statute. The proposed bill would reimburse the county for those additional payments.

6. **Fiscal Impact:**

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2006-07	\$0	
2007-08	\$166,000	General
2008-09	\$0	
2009-10	\$0	

7. Budget amendment necessary: No.

8. Fiscal implications:

The General Assembly, in a provision of the 2004-2006 Appropriation Act, overrode the statutory requirement that DOC transfer state responsible inmates to its custody within sixty days of receiving the final court order. (See Item 410 para. G of Chapter 4, 2004 Acts of Assembly, Special Session I.) Therefore, during the time in question, DOC was under no legal requirement to transfer state responsible within a certain time frame, but only “at such times as [the DOC director] determines that sufficient, secure and appropriate housing is available.”

The state does pay localities and regional jail authorities an additional \$6 per day, through the Compensation Board, for each out-of-compliance inmate. Therefore, not all localities suffer a loss because of out-of-compliance inmates; in fact, for many, it is a financial gain. However, for those localities, which, like Charles City, have agreements with regional jails to pay a per diem for its offenders, out-of-compliance inmates do cost them because the additional reimbursement by the state goes to the regional jail. Because the financial agreements for regional jails differ, it is not feasible to estimate how much additional funds are paid by their members for out-of-compliance inmates.

If the state were to set a precedent by reimbursing Charles City County for the additional costs it incurred as a result of its out-of-compliance inmates in the regional jail, the fiscal implications could be significant. For much of the 2004-2006 biennium, the number of out-of-compliance state responsible inmates in local and regional jails was 2,000 or higher. For each of the past three months of the current fiscal year, the out-of-compliance level has been approximately 3,000.

It is important to note that the number of out-of-compliance inmates should be reduced significantly during 2007. DOC is in the final stages of a major prison construction program. It has recently finished the significant expansion of one prison. By December 2007, another large expansion will have been completed, as well as the construction of two new 1,024-bed prisons. These projects will add more than 3,400 beds to the state’s prison system, thereby enabling DOC to transfer most state responsible inmates from jails to its system within the time frame set out in statute.

9. Specific agency or political subdivisions affected:

Charles City County

10. Technical amendment necessary: None.

11. Other comments: None.

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