

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: HB 1635

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

2. Patron: Cosgrove

3. Committee: Reported from committee

4. Title: Jail construction standards

5. Summary:

By statute, the Board of Corrections is directed to establish minimum standards for the construction of local and regional jails. A provision of the Appropriation Act prohibits any locality from constructing, renovating, or remodeling any local or regional jail without the prior approval of the Board of Corrections. The proposed legislation would authorize the Board of Corrections to grant a waiver from its minimum standards to the city of Chesapeake for the “use of one or more temporary structures for housing community custody inmates”. Such structures would still be subject to the Virginia Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code for the designated use and occupancy.

The bill would restrict any waiver to a time period not to exceed five years, although two one-year extensions could be granted. As a condition of the waiver, the city would be required to give the Board of Corrections an annual update on the progress of a permanent facility, enlargement of an existing facility, or plan for implementation of alternative housing.

6. Budget Amendment Necessary: None.

7. Fiscal Impact Estimates: None. See Item 8 below.

8. Fiscal Implications:

State law provides for the state to share the costs of construction of local or regional jails. For local jails, the state share is 25 percent; for regional jails, 50 percent. However, the proposed legislation stipulates that Chesapeake would not receive any state funding for the cost of any buildings constructed under the waiver provisions. The reimbursement for the construction of any new facility or enlargement of an existing one, for which the city could be reimbursed, would have to be approved by a future General Assembly. However, the bill provides that, if extensions to the waiver are requested and granted, the city shall lose 25 percent of any such reimbursement by the state for which it would be eligible for each year of extension.

9. Specific Agency or Political Subdivisions Affected:

Board of Corrections
Department of Corrections
City of Chesapeake

10. Technical Amendment Necessary: None.

11. Other Comments: The legislation has an emergency clause. Identical to SB 729.

Date: 2/9/2013

Document: G:\LEGIS\fis-13\hb1635h1.docx Dick Hall-Sizemore