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SENATE BILL NO. 1049

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 18, 2015)

(Patron Prior to Substitute—Senator McDougle)

A *BILL to amend and reenact §§ 53.1-80, 53.1-81, and 53.1-82 of the Code of Virginia, relating to reimbursement of capital costs; jails; regional jails; regional contracts for cooperative jailing.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-80, 53.1-81, and 53.1-82 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-80. State reimbursement of localities for construction.

A. On and after July 1, 1993, the Commonwealth shall reimburse any city or county up to one-fourth of the capital costs of a jail construction, enlargement or renovation project upon a basis approved by the Board in accordance with the provisions of this section. On and after July 1, 1993, (i) any three or more cities or counties, or any combination thereof, which do not qualify for reimbursement pursuant to § 53.1-81 or § 53.1-82 and (ii) any two cities or counties or any combination of a city and a county which jointly construct, enlarge or renovate a jail upon a basis approved by the Board in accordance with the provisions of this section shall be reimbursed by the Commonwealth on a pro rata basis up to one-fourth of the capital costs, as defined in § 53.1-82.2, of such project. The Board shall promulgate regulations, to include criteria which may be used to assess need and establish priorities, to serve as guidelines in evaluating requests for such reimbursement and to ensure the fair and equitable distribution of state funds provided for such purpose. The Department shall apply such regulations in preparing requests for appropriations. No such reimbursement shall be had unless the plans and specifications, including the need for additional personnel, thereof have been submitted to the Governor and the jail project has been approved by him. The Governor shall base his approval in part on the expected operating cost-efficiency of the interior design of the facility. Reimbursements shall be paid subject to the provisions of § 53.1-82.2.

No jail construction, enlargement, or renovation project that was not approved by the Governor prior to July 1, 2015, shall commence thereafter unless such project has been specifically authorized in the general appropriation act.

B. In the event that a county or city requests and receives financial assistance for capital costs of such jail project from the Department of Criminal Justice Services or from other public fund sources outside of the provisions of this law, the total financial assistance and reimbursement shall not exceed the total cost of the project.

§ 53.1-81. Construction and operation of regional jail facilities; state reimbursement; agreements with Department.

A. Three or more cities or counties, or any combination thereof, are authorized, pursuant to approval of the Board, to construct, enlarge or renovate a regional jail facility or to enlarge or renovate an existing jail for the purpose of establishing a regional jail facility. In addition, (i) any regional jail facilities established by three or more cities, counties or towns, or any combination thereof, on or before January 31, 1993, (ii) any existing regional jail facilities established by only two cities, counties or towns on or before June 30, 1982, and (iii) any regional jail facilities established by only two contiguous counties whose boundaries are not contiguous by land with the boundaries of any other county in the Commonwealth, may participate under the provisions of this section. On and after December 1, 1989, subject to the provisions of § 53.1-82.2, the Commonwealth shall reimburse each such locality its pro rata share up to one-half of the capital costs, as defined in § 53.1-82.2, of such construction, enlargement or renovation in accordance with the provisions of this section *if the project was approved by the Governor prior to July 1, 2015, or the project is an enlargement or renovation of a regional jail facility created prior to July 1, 2015, and shall reimburse each such locality its pro rata share up to one-fourth of such capital costs if such project is approved by the Governor on or after July 1, 2015.* However, regional jails created by any combination of three or more cities or counties on or after February 1, 1993, shall not be eligible for such reimbursement unless at least three of the participating localities of such combination were each operating a jail on February 1, 1993. The Board shall promulgate regulations, to include criteria which may be used to assess need and establish priorities, to serve as guidelines in evaluating requests for such reimbursement and to ensure the fair and equitable distribution of state funds provided for such purpose. The Department shall apply such regulations in preparing requests for appropriations. No such reimbursement shall be had unless the plans and specifications, including the need for additional personnel, thereof have been submitted to the Governor and the jail project has been approved by him. The Governor shall base his approval in part

60 on the expected operating cost-efficiency of the interior design of the facility. Such reimbursement shall
61 be paid subject to the provisions of § 53.1-82.2.

62 Such counties, cities, towns, or combination thereof may enter into agreements with the Department
63 of Corrections for the Department to operate such jail or to pay the costs of maintenance, upkeep and
64 other operational costs of the jail. Each city, county or town shall, however, bear the expense of local
65 prisoners from such city, county or town. In such case, the Department shall receive such costs from the
66 funds appropriated in the general appropriation act for criminal costs. The method of operation by the
67 Department shall be in the manner it prescribes, notwithstanding any other provision of law designating
68 sheriffs as the keepers of jails.

69 In lieu of an agreement by the localities with the Board for construction or operation of jail facilities,
70 the Board may agree to sell land owned by the Commonwealth to the localities. The Governor is hereby
71 authorized, at his discretion and upon the advice of the Board, to execute a conveyance of such land in
72 a form approved by the Attorney General.

73 B. In the event that a county, city or town requests and receives financial assistance for capital costs
74 of such jail project from the Department of Criminal Justice Services or from other public fund sources
75 outside of the provisions of this section, the total financial assistance and reimbursement shall not
76 exceed the total cost of the project.

77 C. *No (i) project to construct, enlarge, or renovate a regional jail facility or to enlarge or renovate*
78 *an existing jail for the purpose of establishing a regional jail facility that was not approved by the*
79 *Governor prior to July 1, 2015, and (ii) project that is not an enlargement or renovation of a regional*
80 *jail facility created prior to July 1, 2015, shall commence after such date unless such project has been*
81 *specifically authorized in the general appropriation act.*

82 **§ 53.1-82. Regional contracts for cooperative jailing of offenders; state reimbursement.**

83 A. Three or more counties or cities, or any combination thereof, are authorized to contract for
84 services for the detention and confinement of categories of offenders in single or regional jail facilities
85 operated by the contracting jurisdictions. In addition, (i) any three or more counties, cities or towns, or
86 any combination thereof, operating a jail facility pursuant to an agreement for cooperative jailing
87 established on or before January 31, 1993, (ii) any existing regional jail facilities established by only
88 two cities, counties, or towns on or before June 30, 1982, and (iii) any regional jail facilities established
89 by only two contiguous counties whose boundaries are not contiguous by land with the boundaries of
90 any other county in the Commonwealth, may participate under the provisions of this section. The Board
91 shall promulgate regulations specifying the categories of offenders which may be served pursuant to the
92 contracts provided for herein.

93 The governing bodies of localities participating in an agreement for cooperative jailing shall create a
94 board to advise the locality in which the jail facility is located on matters affecting operation of the
95 facility. Each participating locality shall have at least one representative on the board. The sheriff and
96 any member of the local governing body of each participating locality shall be eligible for appointment
97 to the board; however, when a participating locality appoints more than one representative, the sheriff
98 shall be appointed unless the sheriff is the administrator or superintendent of the jail facility operated
99 pursuant to the agreement for cooperative jailing. A sheriff serving as such administrator or
100 superintendent shall be an ex officio member of the board.

101 When such contracts are approved by the Board and, for the implementation of the contract, require
102 the construction, enlargement, or renovation of a regional jail facility or the enlargement or renovation
103 of an existing jail, the Commonwealth shall reimburse each such locality its pro rata share, up to
104 one-half, of the capital costs, as defined in § 53.1-82.2, of such jail project in accordance with the
105 provisions of this section and § 53.1-82.2 *if the project was approved by the Governor prior to July 1,*
106 *2015, or the project is an enlargement or renovation of a regional jail facility created prior to July 1,*
107 *2015, and shall reimburse each such locality its pro rata share up to one-fourth of such capital costs if*
108 *such project is approved by the Governor on or after July 1, 2015.* Any agreement for cooperative
109 jailing entered into on or after July 1, 1991, which requires the construction, enlargement, or renovation
110 of a single or regional jail facility shall require such counties, cities and towns to participate in the costs
111 of the facility for a minimum period of thirty years. *No (i) project to construct, enlarge, or renovate a*
112 *regional jail facility or to enlarge or renovate an existing jail that was not approved by the Governor*
113 *prior to July 1, 2015, and (ii) project that is not an enlargement or renovation of a regional jail facility*
114 *created prior to July 1, 2015, shall commence after such date unless such project has been specifically*
115 *authorized in the general appropriation act.*

116 The Board shall promulgate regulations, to include criteria which may be used to assess need and
117 establish priorities, to serve as guidelines in evaluating requests for such reimbursement and to ensure
118 the fair and equitable distribution of state funds provided for such purpose. The Department shall apply
119 such regulations in preparing requests for appropriations. No such reimbursement shall be had unless the
120 plans and specifications, including the need for additional personnel, thereof have been submitted to the
121 Governor, and the jail project has been approved by him. The Governor shall base his approval in part

122 on the expected operating cost-efficiency of the interior design of the facility. Such reimbursement shall
123 be paid subject to the provisions of § 53.1-82.2.

124 B. In the event that a county, city or town requests and receives financial assistance for capital costs
125 of a jail project from the Department of Criminal Justice Services or from other public fund sources
126 outside of the provisions of this section, the total financial assistance and reimbursement shall not
127 exceed the total cost of the project.

128 In addition, no such reimbursement shall be had by localities entering into a contract pursuant to this
129 section on or after February 1, 1993, unless at least three of the participating localities were each
130 operating a jail on February 1, 1993.