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SENATE BILL NO. 1049

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 27, 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 (i) project to construct, enlarge, or renovate a jail or regional jail facility or to enlarge or renovate an existing jail that was not approved by the Governor prior to July 1, 2015, or (ii) project that is not an enlargement or renovation of a regional jail created prior to July 1, 2015, shall be eligible for reimbursement from the Commonwealth 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, and has been specifically authorized in the general appropriation act.* 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.

60 No such reimbursement shall be had unless the plans and specifications, including the need for
61 additional personnel, thereof have been submitted to the Governor and the jail project has been approved
62 by him. The Governor shall base his approval in part on the expected operating cost-efficiency of the
63 interior design of the facility. Such reimbursement shall be paid subject to the provisions of § 53.1-82.2.

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

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

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

79 **§ 53.1-82. Regional contracts for cooperative jailing of offenders; state reimbursement.**

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

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

98 When such contracts are approved by the Board and, for the implementation of the contract, require
99 the construction, enlargement, or renovation of a regional jail facility or the enlargement or renovation
100 of an existing jail, the Commonwealth shall reimburse each such locality its pro rata share, up to
101 one-half, of the capital costs, as defined in § 53.1-82.2, of such jail project in accordance with the
102 provisions of this section and § 53.1-82.2 *if the project was approved by the Governor prior to July 1,*
103 *2015, or the project is an enlargement or renovation of a regional jail facility created prior to July 1,*
104 *2015, and shall reimburse each such locality its pro rata share up to one-fourth of such capital costs if*
105 *such project is approved by the Governor on or after July 1, 2015, and has been specifically authorized*
106 *in the general appropriation act.* Any agreement for cooperative jailing entered into on or after July 1,
107 1991, which requires the construction, enlargement, or renovation of a single or regional jail facility
108 shall require such counties, cities and towns to participate in the costs of the facility for a minimum
109 period of thirty years.

110 The Board shall promulgate regulations, to include criteria which may be used to assess need and
111 establish priorities, to serve as guidelines in evaluating requests for such reimbursement and to ensure
112 the fair and equitable distribution of state funds provided for such purpose. The Department shall apply
113 such regulations in preparing requests for appropriations. No such reimbursement shall be had unless the
114 plans and specifications, including the need for additional personnel, thereof have been submitted to the
115 Governor, and the jail project has been approved by him. The Governor shall base his approval in part
116 on the expected operating cost-efficiency of the interior design of the facility. Such reimbursement shall
117 be paid subject to the provisions of § 53.1-82.2.

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

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