

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB622 S1

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

2. Patron: Deeds

3. Committee: Rehabilitation and Social Services

4. Title: State Board of Corrections; rename as the State Board of Local and Regional Jails; powers.

5. Summary: This bill renames the Board of Corrections as the State Board of Local and Regional Jails (the Board). The bill clarifies the division between the Board and the Department of Corrections (DOC), authorizing the Director of DOC to develop and establish operating procedures to maintain prisoners residing in state correctional facilities and under the supervision of DOC probation and parole, including establishing regulations for human research, prescribing rules to govern home/electronic incarceration programs, and prescribing rules regarding the wages paid to persons participating in programs under the supervision of probation and parole.

The bill requires the Board to report annually to the General Assembly and the Governor on the results of inspections and audits of local, regional, or community correctional facilities and the reviews of the deaths of inmates that occur in any local, regional, or community correctional facility.

The bill requires the State Board of Corrections, upon determining that a local correctional facility is not in compliance with the minimum standards for construction, equipment, administration, or operation of local correctional facilities, to provide written notice of such determination to the local correctional facility. Any local correctional facility that appeals such a determination by the Board must provide written notice of its request for an appeal to the Board within 30 days of the date upon which the facility received written notice of the Board's determination of noncompliance. Such appeal must be conducted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

When a review is ordered by the Board concerning any correctional facility subject to the Board's jurisdiction or concerning the conduct of persons connected therewith, the bill allows the chairman of the Board, by order of the Board, to issue a summons directed to the sheriff of the county or city in which such institution is located commanding him to summon any person to be present on a certain day at such place within such county or city as may be designated by the Board to give evidence before the Board. The bill gives the Board like powers to issue a summons directed to the sheriff and to direct the sheriff to enforce such summons.

The chairman of the Board must make the entry required of the clerk by § 17.1-612, which governs reimbursements for travel costs and attendance fees paid to witnesses, concerning the amount any witness is to be paid as if the attendance of the witness was before a court. The sum to which the witness is entitled must be paid out of the funds appropriated to the Board.

The bill authorizes the Board to appoint and employ an executive director and other such other persons as it deems necessary to assist it in carrying out its duties and allows the Board to determine the duties of such staff and fix their salaries or compensation within the amounts appropriate therefor. The bill establishes that the duties of the executive director include management of (i) inspections and audits of local, regional, or community correctional facilities conducted (pursuant to the minimum standards established for local correctional facilities and inspections required under § 53.1-68) and (ii) reviews of the deaths of inmates that occur in any local, regional, or community correctional facility conducted (pursuant to § 53.1-69.1).

- 6. Budget Amendment Necessary:** Yes. Item 402
- 7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.
- 8. Fiscal Implications:** The bill would require the Board to employ an executive director and other staff and permits the Board to determine such staff's compensation. Currently, the Board does not have an appropriation in the budget and does not have full time staff. All technical and administrative support is provided by DOC. In Chapter 854, 2019 Acts of Assembly, \$465,274 each year and positions for jail investigations were provided to support the Board's additional responsibilities related jail regulation, inspections, and investigations of local correctional facilities. The funding associated for these positions were appropriated in DOC's budget.

Additionally, the introduced budget (HB30/SB30) includes an additional \$170,125 in FY 2021 and \$226,832 in FY 2022 and two positions in DOC's budget to support jail death investigations conducted by the Board. If the intent of the legislation is have a separate executive director and other staff responsible for the operation of the Board, additional funding would be needed to support an executive director and other staff as contemplated by this legislation. The salary for an executive director is estimated at \$115,000 plus benefits; salaries for other staff would be dependent on the types of positions hired by the Board. However, if the intent of the legislation is to continue for DOC to provide technical and administrative support, it is not clear if DOC could absorb the cost of supporting an executive director and other staff beyond what is currently appropriated in the budget.
- 9. Specific Agency or Political Subdivisions Affected:** Board of Corrections, Department of Corrections
- 10. Technical Amendment Necessary:** None

11. Other Comments: If the intent of this legislation is to separate the Board from the DOC, a separate budget item would need to be created in the 2020-2022 biennial budget. In this case, all funding currently appropriated for Board activities would have to be transferred from DOC's budget to the new budget item.