

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB5017 ER

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 checked="" type="checkbox"/> Enrolled

2. Patron: Boysko

3. Committee: Passed both Houses

4. Title: Local correctional facility; definition.

5. Summary: The enrolled bill expands the definition of “local correctional facility” to include any facility owned, maintained, or operated by any political subdivision or combination of political subdivisions of the Commonwealth that is used for the detention or incarceration of people pursuant to contract or a third-party contract with the federal government or any agency or contractor thereof.

The definition proposed in the enrolled bill applies to subsection B of § 53.1-68, which requires the State Board of Local and Regional Jails ((Board) to promulgate sanitation standards for local correctional facilities, to establish procedures for enforcing the standards, and also requires the Board, in conjunction with the Board of Health to establish a procedure to conduct at least one unannounced annual health inspection of each local correctional facility by the State Health Commissioner or his agents. The enrolled bill also applies to § 53.1-69, which allows the Board to prohibit confinement and require transfer of prisoners in substandard facilities, § 53.1-69.1, which gives the Board the power to review deaths of inmates in local correctional facilities, and § 53.1-127, which allows members of the Board, Department of Corrections (DOC) staff, and local health department staff to enter the interior of local correctional facilities, subject to reasonable search of the person and his effects.

6. Budget Amendment Necessary: Yes, Item 402

7. Fiscal Impact Estimates: Final. See Item 8 below.

8. Fiscal Implications: The Department of Criminal Justice Services (DCSJ) is responsible for ensuring jail officer certification in Virginia. According to DCJS, this bill would require the officers employed at two facilities - the Farmville Detention Center and the Caroline Detention Facility - to be certified as jail officers. DCJS estimates that the number of certified officers added by this bill is less than a 1% increase in the number of officers under DCJS’s purview. The agency expects this bill to have minimal impact on its administrative workload and expects that it could absorb any fiscal impact within its existing budget.

According to the Department of Corrections, this bill is not expected to impact agency operations. This bill is not expected to impact the Compensation Board or the Office of the Attorney General.

The enrolled bill expands the types of facilities for which health inspections are required. Therefore, Virginia Department of Health (VDH) personnel who ordinarily conduct inspections of local correctional facilities as part of their usual duties would have a minimum of two additional annual inspections to complete. It is expected that costs associated with the additional inspections could be absorbed within VDH's existing resources. However, there may be additional fiscal implications if new facilities open and/or qualify under the definition proposed in the bill in the future. However, any fiscal impact this bill may have on VDH in the future cannot be estimated at this time.

The Office of the Secretary of Public Safety believes that by expanding the definition of local correctional facility, the State Board of Local and Regional Jails will be required to conduct jail death investigations and reviews of Farmville Detention Center and the Caroline Detention Facility. A part-time or one full time investigator may be needed to support the additional workload as a result of the bill. The cost of a part-time investigator is estimated to be \$39,034. The cost of one non-sworn full time investigator is estimated to be \$64,000 (salary and benefits). Travel and other expenses is estimate to be \$2,500.

9. Specific Agency or Political Subdivisions Affected: Department of Criminal Justice Services, the State Board of Local and Regional Jails, Virginia Department of Health.

10. Technical Amendment Necessary: No

11. Other Comments: None