

## HOUSE BILL NO. 1914

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Hope)

A BILL to amend and reenact §§ 30-19.1:4 and 53.1-27 of the Code of Virginia, relating to Department of Corrections; operations and costs.

**Be it enacted by the General Assembly of Virginia:****1. That §§ 30-19.1:4 and 53.1-27 of the Code of Virginia are amended and reenacted as follows:****§ 30-19.1:4. Increase in terms of imprisonment or commitment; fiscal impact statements; appropriations for operating costs.**

A. The Virginia Criminal Sentencing Commission shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill which would result in a net increase in periods of imprisonment in state adult correctional facilities. The Department of Planning and Budget shall annually provide the Virginia Criminal Sentencing Commission with the operating cost per inmate.

B. The Department of Planning and Budget, in conjunction with the Department of Juvenile Justice, shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill that would result in a net increase in periods of commitment to the custody of the Department of Juvenile Justice.

C. The requirement for a fiscal impact statement includes, but is not limited to, those bills which add new crimes for which imprisonment or commitment is authorized, increase the periods of imprisonment or commitment authorized for existing crimes, impose minimum or mandatory minimum terms of imprisonment or commitment, or modify the law governing release of prisoners or juveniles in such a way that the time served in prison, or the time committed to the custody of the Department of Juvenile Justice, will increase.

D. The fiscal impact statement of any bill introduced on or after July 1, 2002, that would result in a net increase in periods of imprisonment in state correctional facilities or periods of commitment to the custody of the Department of Juvenile Justice, shall include an analysis of the fiscal impact on local and regional jails, state and local pretrial and community-based probation services agencies and juvenile detention facilities.

E. The amount of the estimated appropriation reflected in the fiscal impact statement shall be printed on the face of each such bill, but shall not be codified. If the agency responsible for preparing the fiscal impact statement does not have sufficient information to project the impact, the fiscal impact statement shall state this, and the words "Cannot be determined" shall be printed on the face of each such bill.

In the case of any bill that adds a new felony or expands the definition of an existing felony for which imprisonment or commitment is authorized, when there is not sufficient information to project the impact, the estimated one-year appropriation reflected in the fiscal impact statement shall be determined by multiplying the Department-wide per capita cost per inmate bed, as estimated by the Department of Planning and Budget in that fiscal year previous to the General Assembly session for which such bill has been filed, by the estimated increase in persons convicted of and imprisoned for the new felony. The estimated increase in inmates shall be calculated using one-third of a fraction the numerator of which is 1 and the denominator of which is n multiplied by t, where "n" equals the total number of felonies codified within the relevant class and "t" equals the total number of persons convicted of and imprisoned for any felony within the relevant class during the three fiscal years previous to the General Assembly session for which such bill has been filed. Felony offenses without a classification shall be grouped into the class of felonies where the maximum sentence matches the maximum sentence of the unclassified felony. The grouping of any unclassified felony where the maximum sentence does not match that of an established felony class will be determined by the Virginia Criminal Sentencing Commission.

F. The fiscal impact statement shall include, but not be limited to, details as to any increase or decrease in the offender population. Statements prepared by the Virginia Criminal Sentencing Commission shall detail any necessary adjustments in guideline midpoints for the crime or crimes affected

by the bill as well as adjustments in guideline midpoints for other crimes affected by the implementation of the bill that, in the opinion of the Commission, are necessary and appropriate.

G. The agency preparing the fiscal impact statement shall forward copies of such impact statements to the Clerk of the House of Delegates and the Clerk of the Senate for transmittal to each patron of the legislation and to the chairman of each committee of the General Assembly to consider the legislation.

H. For each law enacted which results in a net increase in periods of imprisonment in state correctional facilities or a net increase in periods of commitment or the time committed to the custody of the Department of Juvenile Justice, a one-year appropriation shall be made from the general fund equal to the estimated increase in operating costs of such law, in current dollars, of the highest of the next six fiscal years following the effective date of the law. "Operating costs" means all costs other than capital outlay costs.

I. The Corrections Special Reserve Fund (the Fund) is hereby established as a nonreverting special fund on the books of the Comptroller. The Fund shall consist of all moneys appropriated by the General Assembly under the provisions of this section and all interest thereon. Any moneys deposited in the Fund shall remain in the Fund at the end of the biennium. Moneys in the Fund shall be expended solely for capital expenses, including the cost of planning or preplanning studies that may be required to initiate capital outlay projects.

**§ 53.1-27. Establishment of stores in state correctional facilities.**

The Director is hereby authorized to provide for the establishment and operation of stores or commissaries in state correctional facilities to deal in such ~~articles~~ goods and services as he deems proper. The profits from the operation of such stores shall be used for educational, recreational, or pre-release and post-release reentry and transition services, ~~or other purposes beneficial to the inmate population as may be prescribed by the Director.~~ The cost of goods and services sold by such stores or commissaries, including the sale or rental of electronic devices or media, shall not exceed 10 percent of the cost of the typical market rate for such goods and services in major retail stores that are not affiliated with any correctional facility. The Department shall not receive any commissions or markups from the goods and services sold.

**81**

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