



Report of the Subcommittee on
Public Safety

Senate Finance &
Appropriations Committee
Virginia General Assembly

February 10, 2021



Report of the Subcommittee on Public Safety
The Honorable Louise L. Lucas, Chair
February 10, 2021

Madam Chair and Members of the Committee:

The Public Safety Subcommittee has reviewed the Governor's proposed budget for the agencies of Public Safety and Homeland Security and Veterans and Defense Affairs. Overall, the Subcommittee adopts many of the proposals in the introduced budget and recommends additional amendments that result in a net total of \$15.1 million in general fund support for these agencies over the biennium.

The major focus of the Subcommittee has been reviewing the impact of criminal justice reforms, marijuana legalization, and expungement of police and court records. The long-term impact of the prohibition on recreational marijuana use has had a profound impact on minority communities. High levels of incarceration and criminal record histories have limited options for individuals in the job market and their ability to better themselves and support their families. To that end, \$35.0 million in general fund support has been maintained in Central Appropriations and the Public Safety budget to fund up to \$3.5 million for initial operating costs of legislation to create the Virginia Cannabis Control Authority and the implementation costs of expungement legislation.

While balancing criminal justice reform, the Subcommittee realizes the importance of the State Police and the critical need to attract and retain the best and most well-qualified state troopers. The State Police have nearly 300 vacant trooper positions and many current troopers are eligible to retire this year. To that end, the Subcommittee recommends fully funding a compensation plan for the State Police with the passage of Senate Bill 1211



which increases the motor vehicle registration fee by \$4.00 effective July 1st. This is an appropriate funding source considering the role the State Police have in patrolling our highways. The revenue from this increase will provide \$28.5 million to fund the compensation plan for state troopers in fiscal year 2022.

In addition, the Virginia Department of Emergency Management continues to play a major role in the state's response and recovery efforts due to the COVID-19 pandemic. The Subcommittee proposes adopting funding of \$42.0 million in fiscal year 2021 from the federal Coronavirus Relief Fund and \$36.9 million in general fund in fiscal year 2022 to purchase personal protective equipment, to coordinate communication and disaster operations, and to support the health equity workgroup.

Other general fund recommendations include an additional \$14.3 million for inmate medical costs at the Department of Corrections, \$7.2 million to fund State Police vehicle replacements, \$6.4 million for the State Police transition into the state's information technology environment, and \$1.7 million for security enhancements at Bon Air Juvenile Correctional Center.

The Subcommittee also recommends \$2.5 million from the general fund in fiscal year 2022 to continue funding support of local government efforts in upgrading emergency shelters to ensure preparation for future natural disasters.

In closing, I would like to thank the members of the Public Safety Subcommittee for their collaboration and assistance in developing this report.

Madam Chair, this concludes the Public Safety Subcommittee report. I hope it will be the pleasure of the Committee to adopt our amendments.

Respectfully Submitted,

The Honorable L. Louise Lucas, Chair

The Honorable Thomas K. Norment, Jr.

The Honorable Frank M. Ruff, Jr.

The Honorable John S. Edwards

The Honorable J. Chapman Petersen

The Honorable David W. Marsden

The Honorable Adam P. Ebbin

Report of the Subcommittee on Public Safety
(Recommended Amendments to SB 1100, as Introduced)

		General Fund			Nongeneral Funds		
	Amendment	FY 2021	FY 2022	Biennium	FY 2021	FY 2022	Biennium
1	Secretary of Public Safety and Homeland Security						
2	Evaluation of Funding for Enforcement of Controlled Substances	<i>Language</i>	<i>Language</i>	<i>Language</i>			
3	Review of Expungement Systems and Processes	<i>Language</i>	<i>Language</i>	<i>Language</i>			
4							
5	Alcoholic Beverage Control Authority						
6	Increase Law Enforcement for Direct Shipments	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000	\$ 1,000,000
7	Eliminate Treasury Loan Authorization	<i>Language</i>	<i>Language</i>	<i>Language</i>			
8							
9	Department of Corrections						
10	Increase Sex Offender Treatment in Prisons	\$ -	\$ 471,420	\$ 471,420			
11	Corrections Special Reserve Fund	\$ -	\$ 350,000	\$ 350,000			
12	Expand Video Visitation Services	\$ -	\$ 250,000	\$ 250,000			
13	Staffing for State Board of Local and Regional Jails	\$ -	\$ 160,000	\$ 160,000			
14	Restrictive Housing Operations Changes	\$ -	\$ 100,000	\$ 100,000			
15	Electronic Health Records Implementation	<i>Language</i>	<i>Language</i>	<i>Language</i>			
16	Lawrenceville Correctional Officer Bonus Requirement	<i>Language</i>	<i>Language</i>	<i>Language</i>			
17							
18	Department of Emergency Management						
19	Adjust Funding for COVID-19 Response and Recovery Efforts	\$ (41,965,587)	\$ -	\$ (41,965,587)			
20	Emergency Shelter Upgrade Assistance Fund	\$ -	\$ 2,500,000	\$ 2,500,000			
21							
22	Department of Juvenile Justice						
23	Security Enhancements at Bon Air Juvenile Correctional Center	<i>Language</i>	<i>Language</i>	<i>Language</i>			
24							
25	Department of State Police						
26	Modify Funding for Vehicle Replacement	\$ -	\$ (2,310,700)	\$ (2,310,700)			
27	Drug Recognition Expert Training	\$ -	\$ 1,145,246	\$ 1,145,246			
28	State Troopers Compensation Plan	\$ -	\$ -	\$ -	\$ -	\$ 28,547,132	\$ 28,547,132
29	Cold Case Investigators	\$ -	\$ 501,990	\$ 501,990			
30	Concealed Handgun Permit Applicability on Online Training Credentials	<i>Language</i>	<i>Language</i>	<i>Language</i>			
31	Firearms Rental Mental Health Registry Report	<i>Language</i>	<i>Language</i>	<i>Language</i>			
32							
33	Parole Board						
34	Public Reporting on Member Votes	\$ -	\$ 84,638	\$ 84,638			
35							

Report of the Subcommittee on Public Safety
 (Recommended Amendments to SB 1100, as Introduced)

	Amendment	General Fund			Nongeneral Funds		
		FY 2021	FY 2022	Biennium	FY 2021	FY 2022	Biennium
36	Secretary of Veterans and Defense Affairs						
37	Relocate Base Funding for a Military Liaison Position	<i>Language</i>	<i>Language</i>	<i>Language</i>			
38							
39	Department of Veterans Services						
40	Fund Position to Liaison with Military Spouses	\$ -	\$ 147,500	\$ 147,500			
41							
42							
43		\$ (41,965,587)	\$ 3,400,094	\$ (38,565,493)	\$ -	\$ 29,547,132	\$ 29,547,132

Item 391 #1s

Public Safety and Homeland Security

Secretary of Public Safety and Homeland Security

Language

Language:

Page 471, after line 13, insert:

"G. The Secretary, in consultation with the Department of Planning and Budget, and the Secretary of Finance, as well as appropriate public safety or other agency staff, shall evaluate existing funding that has been previously authorized for the enforcement of laws related to controlled substance prohibition. The Secretary shall identify, for controlled substances which have recently been decriminalized or legalized, sources of funding that are authorized for enforcement activities, including funding dedicated to patrol, arrests, incarceration, training, or other activities, that may be saved and reallocated towards other programs. The Secretary shall report on the information required in this paragraph to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by December 1, 2021."

Explanation:

(This amendment directs the Secretary of Public Safety and Homeland Security to evaluate available base funding in the budget in order to identify savings pursuant to the reduction or elimination of penalties for the possession of controlled substances that may be reallocated to drug treatment and rehabilitation programs.)

Item 391 #2s

Public Safety and Homeland Security

Secretary of Public Safety and Homeland Security

Language

Language:

Page 471, after line 13, insert:

"G. The Secretary of Public Safety and Homeland Security shall, as part of the workgroup created pursuant to Senate Bill 1339, include a comprehensive review of all systems and processes necessary for the expungement or sealing of police or court records. The review shall examine improvements in technology, systems improvements, and automation of manual processes that would improve the cost-effectiveness of expungements and sealing of records, including consideration of the technology, systems and processes utilized by other states, in order to accommodate the requirements of the legislation passed by the General Assembly. The Secretary shall also report on the projected costs of changes to systems and processes for consideration in the 2022 General Assembly Session. The Secretary shall report on the workgroup's findings and recommendations consistent with the date in the legislation."

Explanation:

(This amendment directs the Secretary of Public Safety and Homeland Security as part of the workgroup created pursuant to Senate Bill 1339 to include a comprehensive review of all systems and processes necessary for the expungement or sealing of police or court records and to report on the costs of needed improvements to the General Assembly.)

Item 400 #1s

Public Safety and Homeland Security

Department of Corrections

Language

Language:

Page 478, line 25, after "\$500.", insert:

"The department shall amend its contract with the vendor that operates the Lawrenceville Correctional Center to require that this funding is provided as a bonus for correctional officers and require an accounting of the funding to the department. The department shall report on the use of this funding, including the number of correctional officers provided a bonus and, if applicable, any balances remaining to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by June 30, 2021."

Explanation:

(This amendment requires the Department of Corrections to ensure that the funding included in the introduced budget to provide a \$500 bonus for each correctional officer at Lawrenceville Correctional Center, employed by a private contractor that operates the facility, is expended only for such purpose.)

Item 400 #3s

Public Safety and Homeland Security

FY20-21

FY21-22

Department of Corrections

\$0
0.00

\$471,420 GF
5.00 FTE

Language:

Page 476, line 30, strike "\$821,331,843" and insert "\$821,803,263".

Page 478, after line 25 insert:

"N. Out of this appropriation, \$471,420 the second year from the general fund is provided to fund five positions to implement the recommendations of the Secretary of Public Safety and Homeland Security's workgroup on Access to Sex Offender Treatment."

Explanation:

(This amendment adds \$471,420 from the general fund and five positions in the second year to partially fund the short-term recommendations that were included in the Secretary of Public Safety and Homeland Security's November 2020 Report "Access to Sex Offender Treatment in Virginia Prisons." Funding is included for two offender management positions to screen for sex offender risk at the beginning of an inmate's sentence and three positions in the sex offender services unit to increase the number of sex offender treatment providers dedicated to the provision of sex offender services.)

		Item 400 #4s	
Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Corrections	\$0	\$100,000	GF
	0.00	1.00	FTE

Language:

Page 476, line 30, strike "\$821,331,843" and insert "\$821,431,843".

Page 478, after line 25, insert:

"N. Out of this appropriation, \$100,000 the second year from the general fund is provided for one coordinator position to review and oversee the modifications to the operating procedures in the Department of Corrections related to restrictive housing pursuant to required changes included in legislation passed in the 2021 General Assembly. As part of the the review of the use of restricted housing, the department shall report on current restrictive housing procedures related to medical and mental health evaluations, existing staff that support such evaluations, and report on how legislative changes would impact the current workload of such staff. The department, in collaboration with the Department of Juvenile Justice that shall also conduct a review of its procedures and staffing impacts, shall report on its findings and any potential cost impact to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by September 1, 2021."

Explanation:

(This amendment provides \$100,000 the second year from the general fund for a coordinator position to review and oversee the modifications to the operating procedures in the Department of Corrections related to restrictive housing pursuant to required changes included in legislation passed in the 2021 General Assembly (Senate Bill 1301). The Department of Juvenile Justice would also need to review their procedures. A report on the findings and any potential cost impact would be made to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by September 1, 2021.)

		Item 402 #1s	
Public Safety and Homeland Security	FY20-21	FY21-22	

Economic Security (CARES) Act of 2020. This federal funding allows the general fund provided in the introduced budget in the first year to be supplanted with newly available federal CRF funds. A separate amendment in Central Appropriations modifies the allocations from the CRF for this purpose.)

Item 423 #1s

Public Safety and Homeland Security

Department of Juvenile Justice

Language

Language:

Page 506, line 21, strike "6." and insert "C.1."

Page 506, after line 24, insert:

"2. In procuring any new security systems or components for the existing facility at Bon Air from such funds available in this Item, the Department shall consider ways to reuse the system procured in a future facility. To that end, the Department shall work with the Department of General Services to plan for reuse of a previously acquired security system in any future new facility constructed, to the extent feasible."

Explanation:

(This amendment directs the Department of Juvenile Justice to consider potential reuse of a security system in a new facility in the future, in the acquisition and procurement of such system for the existing facility at Bon Air.)

Item 425 #1s

Public Safety and Homeland Security

FY20-21

FY21-22

Department of State Police

\$0

\$501,990

GF

0.00

5.00

FTE

Language:

Page 507, line 7, strike "\$74,070,135" and insert "\$74,572,125".

Page 509, after line 10, insert:

"Q. Out of this appropriation, \$501,990 the second year from the general fund is provided to the Department of State Police for five positions for cold case investigators to support efforts to resolve such cases."

Explanation:

(This amendment provides \$501,990 the second year from the general fund and five positions in the second year to support five cold case investigators. Legislation in the 2020 Session established a cold case file database and this funding will support ongoing work in the

program.)

Item 425 #2s

Public Safety and Homeland Security

Department of State Police

Language

Language:

Page 509, after line 10, insert:

"Q. The Superintendent of State Police shall report on the feasibility of establishing a registry for determining eligibility to lawfully possess a firearm for on-site rental use at a sport shooting range, based on existing state and federal laws concerning possession of firearms by persons with a history of mental illness. The report shall consider, at a minimum: (i) the information technology changes needed to collect the necessary information to determine if the renter of a firearm for on-site use is prohibited from possessing a firearm under any applicable state or federal law; (ii) the appropriate form or mechanism for collection of information to determine the mental health and criminal history of customers of sport shooting ranges; (iii) the reasonable timeline by which the registry can be implemented; and (iv) any necessary costs for implementation of a mental health background check registry for on-site firearms rentals. The department shall report to the General Assembly on the information required in this paragraph by September 30, 2021."

Explanation:

(This amendment requires the Superintendent of State Police to report on the steps needed to establish a registry for determining eligibility to rent a firearm for on-site use at sport shooting ranges.)

Item 427 #2s

Public Safety and Homeland Security

Department of State Police

Language

Language:

Page 512, after line 19 insert:

"D. Notwithstanding § 18.2-308.02, Code of Virginia, a person who has successfully completed online training for a Concealed Handgun Permit prior to January 1, 2021, is eligible to apply for such a permit if the person was not able to obtain an appointment with the county or city circuit court clerk due to COVID-19 restrictions. The online training course must have been successfully completed prior to January 1, 2021. The provisions of this paragraph shall expire on December 31, 2021."

Explanation:

(This language amendment authorizes a citizen to apply for a concealed handgun permit if they have demonstrated competence via online training, under certain circumstances, if their application has been impacted due to restrictions arising from the COVID-19 pandemic.)

Item 461 #1s

Veterans and Defense Affairs	FY20-21	FY21-22
Secretary of Veterans and Defense Affairs		

Language:

Page 545, strike lines 8 through 10, and insert:

"Out of this appropriation, up to \$190,000 the second year from the general fund shall be used to support a Military Liaison position under the Secretariat."

Explanation:

(This amendment reallocates existing funding of \$190,000 the second year from the general fund that is currently provided for matching funds for the U.S. Department of Defense Office of Economic Adjustment grants, to support an ongoing Military Liaison position. The U.S. Department of Defense has reorganized the Office of Economic Adjustment and the grants are no longer expected. Therefore, the funding is not needed for the grant matching requirement.)

Item 464 #1s

Veterans and Defense Affairs	FY20-21	FY21-22
Department of Veterans Services	\$0 0.00	\$147,500 1.00 GF FTE

Language:

Page 547, line 24, strike "\$22,451,304" and insert "\$22,598,804".

Explanation:

(This amendment provides \$147,500 in the second year from the general fund to support a liaison to military spouses position in the Department of Veterans Services, pursuant to Senate Bill 1150. This funding includes \$22,300 in one-time equipment funding. The ongoing cost for the position is \$125,200.)