

**Virginia State Budget
2022-2024 Amendments
Compiled by VACP 6/3/2022S**

[House Bills 29 and 30](#) were passed by the General Assembly and have been communicated to the Governor. He has about a week to accept the budget or offer amendments.

Key amendments:

Phase-In Behavioral Health Staffing in Jails

Item 72 #1c	First Year - FY2023	Second Year - FY2024
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Administration

Compensation Board	(\$10,700,092)	(\$9,835,821)
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Language

Page 48, line 29, strike "\$588,315,380" and insert "\$577,615,288".

Page 48, line 29, strike "\$594,031,949" and insert "\$584,196,128".

Page 51, strike lines 53 through 55 and insert:

"P. Out of the amounts appropriated in this item, \$7,332,246 the first year and \$9,835,820 the second year from the general fund is provided for additional behavioral health case managers and medical treatment positions in local and regional jails. The Compensation Board shall provide a progress report on the implementation of these positions, including but not limited to the amount of funding allocated to each jail and how the jail utilized the funding, behavioral health screening and assessment of individuals committed to local correctional facilities, the type of mental health services provided, the number of individuals with serious mental illness assessed as requiring behavioral health services who (i) needed and (ii) received discharge planning upon release from the local correctional facility, and barriers to implementing the initiative. A progress report shall be submitted to the Governor, the Secretary of Administration, the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee, and the Director, Department of Planning and Budget on or before November 1, 2022 and November 1, 2023."

Page 52, strike lines 1 through 11.

Explanation

(This amendment reduces funding by \$10,700,092 the first year and \$9,835,821 the second year from the general fund to reflect a phasing-in of behavioral health positions in local and regional jails. Additionally, this amendment revises language included in the introduced budget related to requirements for the Compensation Board to report on the use and impact of these new positions.)

Courtroom Security Language Clarification (language only)

Item 72 #2c

Administration

Compensation Board

Language

Page 49, line 42, strike "Notwithstanding" and insert "In accordance with".

Page 49, line 42, strike "or any other section of the".

Page 49, line 43, after "Virginia," insert:

"sheriffs are responsible for ensuring courtroom safety and chief judges are responsible, by agreement with the sheriff of the jurisdiction, for the designation of courtroom security deputies for their respective courts. However,"

Page 49, line 44, after "ordered", insert "by a judge".

Page 49, line 45, after "ordered", insert "by a judge".

Page 49, line 46, after "ordered", insert "by a judge".

Explanation

(This language amendment provides clarification regarding the ordering of sheriff deputies for courtroom security.)

Adjust Deputy Sheriff Compensation Plan to Reflect August Effective Date

Item 72 #3c	First Year - FY2023	Second Year - FY2024
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Administration

Compensation Board	(\$3,893,221)	\$0
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Language

Page 48, line 29, strike "\$588,315,380" and insert "\$584,422,159".

Page 52, line 12, strike "\$35,370,400" and insert "\$32,154,902".

Page 52, line 14, after "\$42,000" insert "effective August 1, 2022".

Page 52, line 20, strike "\$7,454,942" and insert "\$6,777,219".

Page 52, line 22, after "years" insert "effective August 1, 2022".

Explanation

(This amendment adjusts funding included in the introduced budget for increased compensation for deputy sheriffs to reflect an effective date of August 1, 2022.)

Increase Jail Per Diem for State Responsible Inmates

Item 73 #1c	First Year - FY2023	Second Year - FY2024
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Administration

Compensation Board	\$4,633,444	\$7,020,908
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Language

Page 52, line 24, strike "\$45,707,959" and insert "\$50,341,403".

Page 52, line 24, strike "\$46,116,147" and insert "\$53,137,055".

Page 53, line 13, after "day", insert:

"through June 30, 2022, and \$15 per inmate day effective July 1, 2022".

Explanation

(This amendment provides \$4,633,444 the first year and \$7,020,908 the second year from the general fund to increase the per diem for every state-responsible inmate housed at a local or regional jail by \$3/day, effective July 1, 2022. A state-responsible inmate is defined as a person convicted of one or more felony offenses for which the sum of consecutive sentences is more than one year. At present, the state provides local and regional jails with a stipend of \$12 per inmate day for each state-responsible inmate.)

Federal Inmate Cost Recovery Exemption (WTRJ)

Item 73 #2c	First Year - FY2023	Second Year - FY2024
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Administration

Compensation Board	\$500,000	\$500,000
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Language

Page 52, line 24, strike "\$45,707,959" and insert "\$46,207,959".

Page 52, line 24, strike "\$46,116,147" and insert "\$46,616,147".

Page 54, after line 36, insert:

"For Western Tidewater Regional Jail, exemption from the recovery provided in paragraph H.1. shall apply to the first 76 federal inmates housed at the jail and for any inmate above 130 housed at the jail at any given time."

Explanation

(This amendment provides \$500,000 general fund each year to cover the per diem cost associated with expanding the federal inmate cost recovery exemption for the Western Tidewater Regional Jail for any federal inmate above 130 housed.)

Fund Consulting Costs for Facial Recognition Technology Vendor Selection

Item 82 #1c	First Year - FY2023	Second Year - FY2024
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Administration

Department of General Services	\$100,000	\$0
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Language

Page 68, line 20, strike "\$66,830,235" and insert "\$66,930,235".

Explanation

(This amendment provides \$100,000 general fund in fiscal year 2023 for consulting costs for the Department of General Services related to a review of facial recognition technology for agency use, consistent with the provisions of Senate Bill 741 of the 2022 General Assembly.)

State and Local Cybersecurity Grant Program

Item 93 #1c	First Year - FY2023	Second Year - FY2024
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Administration

Virginia Information Technologies Agency	\$4,921,400	\$0
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	\$21,396,396	\$0
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Language

Page 79, line 42, strike "\$52,932,842" and insert "\$79,250,638".

Page 81, after line 6, insert:

"F.1. Out of the amounts provided in this item, \$4,921,400 the first year from the general fund and \$21,396,396 in nongeneral fund appropriation is for cybersecurity grant awards under State and Local Cybersecurity Improvement Act subtitle of the Infrastructure Investment and Jobs Act of 2021, P.L. 117-

58. The Virginia Information Technologies Agency (the agency) shall take the necessary steps to obtain and use the cybersecurity grant funding that is available to Virginia under this program. The general fund appropriation provided herein is intended to serve as the full program match for grant availability under this program. Any balances remaining from the general fund appropriation identified in this paragraph shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to serve as state matching dollars pursuant to securing the federal grant awards.

2. In accordance with the federal grant requirements, the agency shall establish, and identify candidates for appointment by the Governor to a planning committee that includes members from (i) state government; counties, cities, and towns; institutions of public education and health within Virginia; and (ii) suburban, rural, and high-population jurisdictions. No less than half of the members shall have substantial professional experience in cybersecurity or information technology. The Chief Information Officer of the Commonwealth, or the Chief Information Security Officer as designee, shall be the Chair of the planning committee. Staffing for the planning committee shall be provided by the agency. In addition, the agency shall: (i) develop a cybersecurity plan, present such plan to the planning committee for approval, and submit such plan to the appropriate federal officials in compliance with the federal program requirements; (ii) propose priorities for grant funding for the planning committee's consideration and approval, in establishing priorities, the committee shall consider the needs of local school divisions; (iii) approve, manage, and allocate grant funding once received, ensuring that the grants fit within the priorities approved by the planning committee; and (iv) report on program's activities to the House Appropriations Committee and the Senate Finance and Appropriations Committee by October 1 of each year of the program. To the extent permitted by federal grant guidelines, the agency may retain a portion of the federal grant funding to reimburse actual costs incurred in providing support and administration of the provisions of this paragraph."

Explanation

(This amendment provides \$4.9 million the first year in general fund and \$21.6 million in nongeneral fund appropriation to serve as the estimated total cost of state matching funds related to federal cybersecurity grant funding available to Virginia under the State and Local Cybersecurity Improvement Act subtitle of the Infrastructure and Jobs Act of 2021. The amendment includes mandatory carryforward language for these funds to be available in accordance with the federal grant drawdown timeline. The amendment also adds language directing the Virginia Information Technologies Agency (VITA) to take the steps necessary to obtain federal cybersecurity grant funding, comply with federal guidelines, and develop a related planning committee. There is a companion amendment to fiscal year 2022 that adds the same language directing the agency to take steps to obtain the federal funds and establish the planning committee.)

Internet Crimes Against Children Task Force

Item 408 #1c	First Year - FY2023	Second Year - FY2024
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Public Safety and Homeland Security

Department of Criminal Justice Services	\$446,547	\$446,547
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Language

Page 435, line 31, strike "\$167,416,051" and insert "\$167,862,598".

Page 435, line 31, strike "\$163,416,051" and insert "\$163,862,598".

Page 438, line 36, after "Item," insert:

"\$446,547 the first year and \$446,547 the second year from the general fund and".

Page 438, line 38, strike "\$1,450,000" and insert "\$1,896,547".

Page 438, line 39, strike "\$1,450,000" and insert "\$1,896,547".

Explanation

(This amendment provides an additional \$446,547 each year from the general fund to the Department of Criminal Justice Services for the Southern Virginia Internet Crimes Against Children Task Force, to account for recent declines in nongeneral fund revenues from court fees.)

Provide Funding for School Resource Officers

Item 408 #2c	First Year - FY2023	Second Year - FY2024
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Public Safety and Homeland Security

Department of Criminal Justice Services	\$22,500,000	\$22,500,000
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Language

Page 435, line 32, strike "\$167,416,051" and insert "\$189,916,051".

Page 435, line 32, strike "\$163,416,051" and insert "\$185,916,051".

Page 437, line 50, strike "\$4,700,000" and "\$4,700,000" and insert: "\$27,200,000" and "\$27,200,000".

Page 437, line 53, after "Virginia." insert:

"Notwithstanding the provisions of § [9.1-110](#), Code of Virginia, and subsection 3 of this section, the Department shall waive all matching requirements for grant recipients awarded funds the first year

Explanation

(This amendment provides an additional \$22.5 million each year from the general fund for School Resource Officer Incentive Grants.)

Aid to Localities with Police Departments ("599") Program

Item 410 #1c	First Year - FY2023	Second Year - FY2024
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Public Safety and Homeland Security

Department of Criminal Justice Services	\$19,051,000	\$27,904,000
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Language

Page 440, line 17, strike "\$191,746,081" and insert "\$210,797,081".

Page 440, line 17, strike "\$191,746,081" and insert "\$219,650,081".

Page 440, line 29, strike "\$191,746,081" and "\$191,746,081" and insert: "\$210,797,081" and "\$219,650,081"

Explanation

(This amendment provides \$19.1 million the first year and \$27.9 million the second year from the general fund for the State Aid to Localities with Police Departments ("599") Program. The purpose is to reflect the projected general fund revenue growth rate included in the introduced budget, not accounting for tax proposals, of 4.9 percent in fiscal year 2022, 4.8 percent in fiscal year 2023, and 4.2 percent in fiscal year 2024. § [9.1-165](#), et seq., Code of Virginia, provides that the percentage change in the total amount of "599" funds to be distributed shall be equal to the anticipated percentage change in total general fund revenue collections for the same time period.)

Gaming Enforcement (HB 766 / SB 530)

Item 430 #1c	First Year - FY2023	Second Year - FY2024
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Public Safety and Homeland Security

Department of State Police	\$2,170,965	\$1,573,157
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Language

Page 455, line 47, strike "\$345,501,578" and insert "\$347,672,543".

Page 455, line 47, strike "\$346,610,621" and insert "\$348,183,778".

Page 457, after line 54, insert:

"S. Included in this appropriation is \$2,170,965 the first year and \$1,573,157 the second year from the general fund to establish the Office of the Gaming Enforcement Coordinator and regional support consistent with the provisions of § [52-54](#) and § [18.2-340.35](#), Code of Virginia."

Explanation

(This amendment provides \$2.2 million the first year and \$1.6 million the second year from the general fund for the fiscal impact of Chapters 768 and 553, 2022 Acts of Assembly, which require the Virginia State Police to establish the Office of the Gaming Enforcement Coordinator and assist the Virginia Department of Agriculture and Consumer Services with investigations related to illegal gaming.)

Adjust State Police Compensation Plan for July 10 Effective Date

Item 431 #1c	First Year - FY2023	Second Year - FY2024
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Public Safety and Homeland Security

Department of State Police	(\$1,968,750)	\$0
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Language

Page 458, line 1, strike "\$36,192,493" and insert "\$34,223,743".

Page 458, line 47, strike "\$23,625,000" and insert "\$21,656,250".

Page 458, line 49, after "employees" insert "effective July 10, 2022".

Explanation

(This amendment adjust funding included in the introduced budget for state police compensation to reflect a July 10, 2022 effective date.)

Provide ARPA Funding for Law Enforcement Training and Equipment

Item 486 #4c	First Year - FY2023	Second Year - FY2024
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Central Appropriations

Central Appropriations	\$75,000,000	\$0
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Language

Page 507, line 22, strike "\$744,761,272" and insert "\$819,761,272".

Page 510, after line 29, insert:

"7) \$75,000,000 in the first year to the Department of Criminal Justice Services (140) to make one-time grants to state and local law enforcement agencies located in the Commonwealth, including colleges and universities, local and regional jails for the purpose of training and purchasing equipment and

supplies to support law enforcement related activities, excluding equipment for which one-time equipment grants were appropriated from the general fund in Item 406, Chapter 552, 2021 Acts of Assembly. Of the amount provided, no less than \$60,000,000 shall be provided for the support of local law enforcement agencies. Of the amount provided, the Director, Department of Criminal Justice Services, is authorized to recover reasonable, one-time costs related to administering this grant program. Any distribution made to a local law enforcement agency shall not require a local match. The Department shall report on the distributions made to the Governor, the Chairs of the House Appropriations and the Senate Finance and Appropriations Committees, and the Secretary of Finance by November 1, 2023."

Explanation

(This amendment provides American Rescue Plan Act (ARPA) from the nongeneral fund funding for one-time grants to state and local law enforcement agencies for training and equipment.)

Skill Game Definitions (language only)

Item 4-14 #4c

Effective Date

Effective Date

Language

Page 623, after line 29, insert:

"6. That §§ [18.2-325](#) and [18.2-334.6](#) of the Code of Virginia are amended and reenacted as follows:

§ [18.2-325](#). Definitions.

1. "Illegal gambling" means the making, placing, or receipt of any bet or wager in the Commonwealth of money or other consideration or thing of value, made in exchange for a chance to win a prize, stake, or other consideration or thing of value, dependent upon the result of any game, contest, or any other event the outcome of which is uncertain or a matter of chance, whether such game, contest, or event occurs or is to occur inside or outside the limits of the Commonwealth.

For the purposes of this subdivision and notwithstanding any provision in this section to the contrary, the making, placing, or receipt of any bet or wager of money or other consideration or thing of value shall include the purchase of a product, Internet access, or other thing made in exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device as described in subdivision 3 b, regardless of whether the chance to win such prize, stake, or other consideration or thing of value may be offered in the absence of a purchase.

"Illegal gambling" also means the playing or offering for play of any skill game.

2. "Interstate gambling" means the conduct of an enterprise for profit that engages in the purchase or sale within the Commonwealth of any interest in a lottery of another state or country whether or not such interest is an actual lottery ticket, receipt, contingent promise to pay, order to purchase, or other record of such interest.

3. "Gambling device" includes:

a. Any device, machine, paraphernalia, equipment, or other thing, including books, records, and other papers, which are actually used in an illegal gambling operation or activity;

b. Any machine, apparatus, implement, instrument, contrivance, board, or other thing, or electronic or video versions thereof, including but not limited to those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled; provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value within the meaning of this subsection; and provided further, that machines that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other in composition, size, shape, or color, shall not be deemed gambling devices within the meaning of this subsection; and

c. Skill games.

Such devices are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations. Nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance.

4. "Operator" includes any person, firm, or association of persons, who conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling enterprise, activity, or operation.

5. "Skill" means the knowledge, dexterity, or any other ability or expertise of a natural person.

6. "Skill game" means an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash or cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash or *cash equivalents* whether the payoff is made automatically from the device or manually. *"Skill game" includes (i) a device that contains a meter or measurement device that records the number of free games or portions of games that are rewarded and (ii) a device designed or adapted to enable a person using the device to increase the chances of winning free games or portions of games by paying more than the amount that is ordinarily required to play the game. "Skill game" does not include any amusement device, as defined in § 18.2-334.6.*

7. "Unregulated location" means any location that is not regulated or operated by the Virginia Lottery or Virginia Lottery Board, the Department of Agriculture and Consumer Services or the Charitable Gaming Board, the Virginia Alcoholic Beverage Control Authority, or the Virginia Racing Commission.

§ [18.2-334.6](#). Exemptions to article; amusement devices.

A. As used in this section:

"Amusement device" means a game that is activated by a coin, token, or other object of consideration or value and that does not provide the opportunity to (i) enter into a sweepstakes, lottery, or other illegal gambling event or (ii) receive any form of consideration or value, except for an appropriate reward.

"Appropriate reward" means a noncash, merchandise prize (i) the value of which does not exceed the cost of playing the amusement device or the total aggregate cost of playing multiple amusement

devices, (ii) that is not and does not include an alcoholic beverage, (iii) that is not eligible for repurchase, and (iv) that is not exchangeable for cash or cash equivalents.

B. A person may make amusement devices available for play if the prize won or distributed to a player is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for an appropriate reward. An appropriate reward shall only be redeemable on the premises where the amusement device is located.

C. An amusement device shall not be designed or adapted to cause or enable a person to cause the release of free games or portions of games when designated as a potential reward for use of the device and shall not contain any meter or other measurement device to record the number of free games or portions of games that are rewarded.

D. An amusement device shall not be designed or adapted to enable a person using the device to increase the chances of winning free games or portions of games by paying more than is ordinarily required to play the game."

Page 623, line 30, strike "6." and insert "7."

Page 623, line 31, strike "7." and insert "8."

Page 623, line 32, strike "8." and insert "9."

Explanation

(This amendment clarifies the definition of skill games.)