

H. B. 3205

(By Delegates Boggs and Swartzmiller)
[Introduced February 21, 2011; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §31-20-5d of the Code of West Virginia, 1931, as amended, relating to providing persons convicted of a criminal offense and sentenced to confinement in a regional jail a reduction in sentence for successful completion of education and rehabilitation programs; increasing the time permitted by a sentence reduction from one day to five days per program; adding an alcohol awareness program to the programs offered; increasing the total time permitted by sentence reduction to thirty days; and establishing an enrollment fee for each program.

Be it enacted by the Legislature of West Virginia:

That §31-20-5d of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY
AUTHORITY.**

§31-20-5d. Good time credit.

(a) Any person convicted of a criminal offense and sentenced

1 to confinement in a regional jail is to be granted reduction of his
2 or her sentence for good conduct in accordance with this section.

3 (b) The reduction of sentence or good time is to be deducted
4 from the fixed term of determinate sentences. An inmate under two
5 or more consecutive sentences is allowed good time as if the
6 several sentences, when the maximum terms thereof are added
7 together, were all one sentence.

8 (c) Every inmate sentenced to a regional jail for a term of
9 confinement exceeding six months who, in the judgment of the
10 administrator of the regional jail facility, faithfully complies
11 with all rules of the regional jail during his or her term of
12 confinement is entitled to a deduction of five days from each month
13 of his or her sentence. No inmate may be granted any good time
14 under the provisions of this section for time spent on bond or for
15 time served on parole or in any other status in which he or she is
16 not physically incarcerated.

17 (d) Each inmate sentenced to a term of confinement in a
18 regional jail facility who participates in a general equivalency
19 diploma program is to be granted three days of good time for the
20 completion of each educational literacy level, as demonstrated by
21 achieving a passing score on standardized tests required by the
22 department of education, and ten days of good time for completion
23 of the requirements for a general equivalency diploma or high
24 school diploma.

25 (e) Each inmate sentenced to a term of confinement in a
26 regional jail in excess of six months shall be granted ~~one day~~ five

1 days of good time for successful completion ~~of~~ for each of the
2 following rehabilitation programs: Domestic violence, parenting,
3 substance abuse, life skills, alcohol awareness and anger
4 management or any special rehabilitation or educational program
5 designated by the executive director. A maximum of ~~five~~ thirty
6 days good time shall be granted for successful completion of ~~five~~
7 all six programs. Upon enrollment of each class, the inmate shall
8 pay a fee of \$50 per class. If the inmate is unable to pay at the
9 time of enrollment, fifty percent of any subsequent deposit will be
10 deducted from the inmate's jail trust account until the fee is paid
11 in full.

12 (f) The administrator of a regional jail facility may, with
13 the approval of the Governor, allow extra good time for inmates who
14 perform exceptional work or service.

15 (g) The Regional Jail and Correctional Facility Authority
16 shall promulgate disciplinary rules for the regional jail
17 facilities. The rules are to describe prohibited acts, procedures
18 for charging individual inmates for violations of the rules and for
19 determining the guilt or innocence of inmates charged with the
20 violations, and sanctions that may be imposed for the violations.
21 For each violation by an inmate, any part or all of the good time
22 that has been granted to the inmate may be forfeited and revoked by
23 the administrator of the regional jail facility. The
24 administrator, when appropriate and with approval of the executive
25 director may restore any good time forfeited for a violation of the
26 rules promulgated or adopted pursuant to this subsection.

1 (h) Each inmate sentenced to a term of confinement in a
2 regional jail in excess of six months shall, within seventy-two
3 hours of being received into a regional jail, be given a copy of
4 the disciplinary rules, a statement setting forth the term or
5 length of his or her sentence or sentences, and the time of his or
6 her minimum discharge.

NOTE: The purpose of this bill is to provide persons convicted of a criminal offense and sentenced to confinement in a regional jail a reduction in sentence for successful completion of education and rehabilitation programs. The bill increases the amount of time permitted by a sentence reduction from one day to five days per program. The bill adding an alcohol awareness program to the programs offered. The bill increases the total amount of time permitted by sentence reduction to thirty days. The bill also establishes an enrollment fee for each program.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.