

H. B. 3212

(By Delegate C. Miller)
[Introduced February 21, 2011; referred to the
Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §62-12-29, relating to requiring community corrections performance measurement standards for agencies responsible for supervising individuals placed on probation, serving a period of parole or post-incarceration supervision after jail or prison.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §62-12-29, to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-29. Community corrections performance measurement.

(a) In this section:

(1) "Agency" means:

(A) The Division of Probation Services or any state agency responsible for supervising individuals placed on probation by the courts or serving a period of parole or post-incarceration

1 supervision after jail or prison; and

2 (B) Any regional, county or local government agencies
3 responsible for supervising individuals placed on probation by the
4 courts or serving a period of parole or post-incarceration
5 supervision after jail or prison, if the agencies receive state
6 funding.

7 (2) "Community supervision" means:

8 (A) The placement of an individual under supervision in the
9 community by a court for a specified period with conditions
10 imposed, as a result of either a conviction and sentence to
11 probation, or the suspension of criminal proceedings without an
12 adjudication of guilt; or

13 (B) The placement of an individual released from jail or
14 prison under supervision in the community for a specified period
15 with conditions imposed by the releasing authority.

16 (3) "Supervised individual" means an individual placed on
17 supervision or probation by a court or serving a period of parole
18 or post-incarceration supervision following jail or prison.

19 (4) "Performance measurement system" means a systematic method
20 of identifying, recording, compiling, analyzing, reporting and
21 applying information about an agency's activities and
22 accomplishments, for both internal management purposes and for
23 accounting to supervising and oversight agencies, legislative and
24 executive bodies, constituents and stakeholders and the public.

25 (5) "Key performance indicator" means a measure that captures
26 agency performance on critical variables that are central to the

1 accomplishment of the agency mission and goals.

2 (6) "Recidivism" means:

3 (A) The arrest of a supervised individual for a new offense
4 while under community supervision;

5 (B) The conviction of a supervised individual for a new
6 offense while under community supervision; or

7 (C) The adjudication of a supervised individual for violation
8 of the conditions of supervision while under community supervision.

9 (7) "Employment" means that the supervised individual is
10 employed:

11 (A) Full time, more than twenty hours per week, at legitimate
12 employment; or

13 (B) Part time, less than twenty hours per week, at legitimate
14 employment.

15 (8) "Controlled substances" means drugs and other illicit
16 substances whose possession and use is controlled or regulated by
17 the state.

18 (9) "Substance abuse testing" means the administration of
19 quantitative tests using urine, saliva or other approved methods to
20 detect the use of controlled substances by supervised individuals.

21 (10) "Victim restitution" means court-ordered financial
22 payments to the victim of a crime by the supervised individual for
23 compensation of damage or loss.

24 (11) "Victim protection" means compliance with "no contact"
25 orders by the supervised individual.

26 (12) "Status of discharge from supervision" means the status

1 of supervised individuals when they were removed from supervision.
2 A successful discharge is one in which the supervised individual is
3 removed from supervision at the end of the term or prior to the end
4 of the term, having fully or substantially completed the
5 requirements of supervision. An unsuccessful discharge is when the
6 supervised individual is removed from supervision through
7 revocation for violation of the conditions of supervision or for a
8 new offense.

9 (b) (1) The agency shall develop and implement a performance
10 measurement system within one year of the effective date of this
11 section.

12 (2) The performance measurement system shall include, at a
13 minimum, information on the following key performance indicators:

14 (A) Recidivism of supervised individuals;

15 (B) Employment of supervised individuals;

16 (C) Substance use by supervised individuals;

17 (D) Victim restitution paid by supervised individuals;

18 (E) Compliance with "no contact" orders by supervised
19 individuals; and

20 (F) Status of discharge from supervision.

21 (3) The performance measures should be formatted and reported
22 consistent with the following outcome measures prescribed in the
23 Performance Based Standards for Adult Probation and Parole Field
24 Services (4th edition) published by the American Correctional
25 Association:

26 (A) Recidivism - Performance Standard 1A, Outcome Measures 1

- 1 and 2, and Performance Standards 2B, Outcome Measures 1, 2, and 3;
2 (B) Employment - Performance Standard 2D, Outcome Measures 1
3 and 2;
4 (C) Substance Use - Performance Standard 2D, Outcome Measure
5 3;
6 (D) Victim Restitution - Performance Standard 2E, Outcome
7 Measures 2, 3 and 4;
8 (E) Victim Protection - Performance Standard 2E, Outcome
9 Measure 1;
10 (F) Status of Discharge from Supervision - Performance
11 Standard 2A, Outcome Measure 1.
12 (4) The agency shall ensure that accurate, reliable and
13 complete records are maintained on the key performance indicators.
14 (5) The agency shall report on agency performance on the key
15 performance indicators at least annually to supervising and
16 oversight agencies, legislative and executive bodies, constituents
17 and stakeholders and the public.
18 (6) The agency shall use information on the key performance
19 indicators for agency management purposes, reporting and reviewing
20 performance on no less than a monthly basis.

NOTE: The purpose of this bill is to require community corrections performance measurement standards for agencies responsible for supervising individuals placed on probation, serving a period of parole or post-incarceration supervision after jail or prison.

This section is new; therefore, it has been completely underscored.