



1           The purpose of this article is to establish a program of work  
2 camps that will encourage work camp inmates to become responsible,  
3 productive citizens by providing academic education, social skills,  
4 education, physical wellness program, self-discipline programs,  
5 substance abuse treatment and vocational education and counseling.  
6 It is the aim of the Legislature that such a program will create a  
7 more positive environment for both inmates and correctional  
8 employees who operate the work camp; and that will reduce the  
9 recidivism rate of persons so incarcerated.

10 **§25-6A-2. Authorization to establish work camp program.**

11           The Commissioner of the Division of Corrections is hereby  
12 authorized to establish a program of work camps, in conjunction  
13 with the boot camps, created by article six of this chapter, that  
14 may be used for eligible offenders who are sentenced to serve a  
15 term of imprisonment under the custody of the commissioner of  
16 corrections and whom the commissioner or the circuit court may  
17 permit to serve his or her sentence as a sentence to work camp in  
18 accordance with this article.

19 **§25-6A-3. Definitions.**

20           As used in this article, unless the context clearly requires  
21 a different meaning, the term:

22           (a) "Commissioner" means the Commissioner of the Division of  
23 Corrections;

24           (b) "Division" means Division of Corrections; and

1 (c) "Eligible offender" means eligible offender as defined in  
2 section four of this article.

3 **§25-6A-4. Eligibility.**

4 (a) Appropriate inmates, regardless of age, may participate in  
5 the work camp program in accordance with the following criteria:

6 (1) One who is medically, physically and psychologically fit  
7 to participate in the program;

8 (2) One who volunteers for the program;

9 (3) One who has been convicted of a felony and, has been  
10 sentenced to the custody of the commissioner of corrections for a  
11 period of incarceration of not less than one year;

12 (4) One who was not convicted of murder in the first degree or  
13 murder in the second degree;

14 (5) One who was not convicted of kidnaping;

15 (6) One who was not convicted of first or second degree sexual  
16 assault;

17 (7) One who was not convicted of any offense pursuant to  
18 article eight-d, chapter sixty-one of this code;

19 (8) One who was not convicted of incest;

20 (9) One who has not been previously convicted of a felony; and

21 (10) Such other criteria as the Commissioner of the Division  
22 of Corrections may include in legislative rules proposed for  
23 legislative approval pursuant to article three, chapter twenty-  
24 nine-a of this code.

1           (b) The circuit court of conviction may direct that a person  
2 be admitted or excluded from participation in the state work camp  
3 program. The commissioner, pursuant to operational policies and  
4 procedures, may in his or her discretion, direct placement of an  
5 inmate in a work camp program.

6           (c) Any placement in the work camp shall be subject to the  
7 extent funding is available or appropriated and subject to the  
8 availability of space in the work camp: *Provided*, That this  
9 section does not give any court the power to hold the Division of  
10 Corrections or any officer or employee of the division in contempt  
11 of court for failure to adhere to a circuit court directive that a  
12 person be placed in the state work camp program if space or funding  
13 is unavailable.

14 **§25-6A-5. Internal policy development.**

15           (a) The Division of Corrections shall promulgate operational  
16 procedures and policies for the program which shall require that  
17 the pilot program be established at one site, which site shall then  
18 be under the control and authority of the Division of Corrections.  
19 The program shall consist of all of the following for each eligible  
20 offender whom the division permits to serve his or her sentence as  
21 a sentence to work camp:

22           (1) A period of imprisonment at the work camp of not more  
23 than twelve months which period of imprisonment shall consist of  
24 a combination of discipline, physical training and physical labor,

1 substance abuse education, employment skills training, social  
2 skills training, and psychological evaluation and treatment.  
3 Additionally, the State Board of Education and State  
4 Superintendent of Schools, pursuant to section five, article  
5 twenty, chapter eighteen of this code, respectively, may, as funds  
6 are available, establish an education program for those eligible  
7 offenders who are not recipients of a high school diploma or a  
8 certificate of high school equivalence. Businesses operating in  
9 the state are encouraged to participate in this work camp program  
10 to the extent of assisting inmates in their training in the work  
11 camp program and to obtain employment after successful completion  
12 of the work camp program.

13       (2) Upon successful completion of the work camp program, and  
14 notwithstanding any other provisions for determining parole  
15 eligibility, an inmate shall be released on parole in accordance  
16 with this article. Except as otherwise provided in this article,  
17 a release on parole under this section shall require that the  
18 eligible offender be under intensive supervision by the adult  
19 parole authority and may provide for supervision of the offender  
20 by the adult parole authority subsequent to the expiration of his  
21 or her period of work camp incarceration under any terms and for  
22 any period of time prescribed by the provisions of article twelve,  
23 chapter sixty-two of this code.

24       (b) The policies and procedures for the work camp program

1 also shall include, but are not limited to, all of the following:

2       (1) Policies and procedures identifying the facilities under  
3 the control and authority of the Division of Corrections  
4 designated by the commissioner of corrections that will be used  
5 for prisoners serving a sentence to work camp;

6       (2) Policies and procedures governing academic education, or  
7 psychological testing and evaluation, discipline, job training  
8 skills, physical training and labor for eligible offenders serving  
9 a sentence to work camp based upon the offender's physical  
10 conditions and needs: *Provided*, That the education program shall  
11 be administered by the State Board of Education and State  
12 Superintendent of Schools in accordance with section thirteen-f,  
13 article two, chapter eighteen and section five, article twenty,  
14 chapter eighteen of this code, respectively and businesses  
15 operating in the state may participate in job training skills for  
16 employment following successful completion of the work camp  
17 program;

18       (3) Policies and procedures establishing additional criteria  
19 the commissioner considers necessary to determine the eligibility  
20 of offenders to serve their sentence as a sentence to work camp;

21       (4) Policies and procedures establishing a method of  
22 intensive supervision for an eligible offender who is released on  
23 parole of the type described in this section for the remainder of  
24 his or her parole sentence, and rules governing the supervision of

1 the offender subsequent to the expiration of his or her parole  
2 sentence;

3 (5) Policies and procedures to effectuate notification to  
4 sentencing courts of the performance of eligible offenders serving  
5 their sentence of imprisonment as a sentence to work camp;

6 (6) Policies and procedures establishing a program of work  
7 projects that include: light construction, painting, grounds  
8 maintenance, mowing lawns, planting flowers, fence and trail  
9 building and snow removal; work projects may be contracted to  
10 local, state, county and federal government agencies; and work  
11 projects may provide services to senior citizens, other special  
12 needs programs and community fundraisers or charity events.  
13 Private companies may not contract for these work projects.

14 (7) Any other policies and procedures that are necessary for  
15 the proper operation of the program.

16 (c) An eligible offender who does not satisfactorily complete  
17 the entire period of work camp incarceration, he or she shall be  
18 removed from the program of work camp and shall be required to  
19 serve the remainder of the original sentence of imprisonment which  
20 would have been available to the sentencing court had work camp  
21 not been directed by the circuit court or allowed by the  
22 commissioner.

23 (d) If the circuit court directs or the division permits an  
24 eligible offender to serve his or her sentence of imprisonment as

1 a sentence to work camp, the eligible offender shall commence a  
2 period of parole of the type described in this article. If an  
3 eligible offender violates the conditions of parole, he or she may  
4 be declared a parole violator and his or her parole shall be  
5 subject to revocation pursuant to the provision of article twelve,  
6 chapter sixty-two of this code.

7 **§25-6A-6. Reporting requirements; sunset provisions; performance**  
8 **audit.**

9 (a) The commissioner shall keep sentencing courts informed of  
10 the performance of eligible offenders serving their sentences of  
11 imprisonment as a sentence to work camp, including, but not  
12 limited to, notice of eligible offenders who fail to  
13 satisfactorily complete their entire sentence to work camp or who  
14 satisfactorily complete their entire sentence to work camp.

15 (b) The work camp program shall be subject to termination and  
16 sunset, after conduct of performance audit thereon, pursuant to  
17 the provisions of article ten, chapter four of this code, five  
18 years after the effective date of the creation thereof, together  
19 with allowance for subsequent periods applicable to the winding up  
20 of the affairs of such work camp program. The performance audit  
21 shall be filed with the President of the Senate and the Speaker of  
22 the House of Delegates. The performance audit required by this  
23 section shall contain all of the following:

24 (1) A summary of the program as initially established, a



1 summary of all changes in the program made during the period  
2 covered by the audit and the reasons for the changes, and a  
3 summary of the program as it exists on the date of the preparation  
4 of the audit;

5 (2) A summary of the effectiveness of the program;

6 (3) An analysis of the total cost of the program, of its cost  
7 per inmate who was permitted to serve a sentence to work camp and  
8 who served the entire sentence to work camp, and of its cost per  
9 inmate who was permitted to serve a sentence to work camp;

10 (4) A summary of the standards and criteria used by the  
11 Division of Corrections in determining which eligible offenders  
12 were permitted to serve their sentence of imprisonment as a  
13 sentence to work camp;

14 (5) A summary of the characteristics of the eligible  
15 offenders who were permitted to serve their sentence of  
16 imprisonment as a sentence to work camp, which summary shall  
17 include, but not be limited to, a listing of every offense of  
18 which any such eligible offender was convicted or to which any  
19 such eligible offender pleaded guilty and in relation to which he  
20 or she served a sentence to work camp, and the total number of  
21 such eligible offenders who were convicted of or pleaded guilty to  
22 each such offense;

23 (6) A listing of the number of eligible offenders who were  
24 permitted to serve a sentence to work camp and who did not serve

1 the entire sentence to work camp, and, to the extent possible, a  
2 summary of the length of the terms of imprisonment served by such  
3 eligible offenders after they were removed from the program;

4 (7) A summary of the effect of the program on overcrowding at  
5 correctional facilities under the control and authority of the  
6 Division of Corrections;

7 (8) To the extent possible, an analysis of the rate of the  
8 recidivism of eligible offenders who were permitted to serve a  
9 sentence to work camp and who served the entire sentence to work  
10 camp;

11 (9) Recommendations as to legislative changes to the program  
12 that would assist in its operation or that could further alleviate  
13 overcrowding at correctional facilities, and recommendations as to  
14 whether the program should be expanded.

15 **§25-6A-7. Construction and applicability of other acts.**

16 This article shall be liberally construed to accomplish the  
17 intent and purposes of the Legislature in adopting it and shall be  
18 the sole authority required for the accomplishment of the purposes  
19 set forth in this article.

NOTE: The purpose of this bill is to authorize circuit courts to sentence nonviolent felony offenders to work camps. The bill establishes work camps, in conjunction with boot camps for that purpose.

This article is new; therefore, strike-throughs and underscoring have been omitted.