

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2011



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 3205

(By Delegates Boggs and Swartzmiller)



Passed March 9, 2011

In Effect From Passage

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 3205

(BY DELEGATES BOGGS AND SWARTZMILLER)

[Passed March 9, 2011; in effect from passage.]

AN ACT 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 abuse 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.

1 (a) Any person convicted of a criminal offense and
2 sentenced to confinement in a regional jail is to be granted
3 reduction of his or her sentence for good conduct in
4 accordance with this section.

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

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

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

27 (e) Each inmate sentenced to a term of confinement in a
28 regional jail in excess of six months shall be granted five
29 days of good time for successful completion for each of the
30 following rehabilitation programs: Domestic violence,
31 parenting, substance abuse, life skills, alcohol abuse, and
32 anger management or any special rehabilitation or
33 educational program designated by the executive director. A
34 maximum of thirty days good time shall be granted for
35 successful completion of all six programs. The fee for each
36 class is \$25 which is due upon enrollment. If an inmate is
37 unable to pay a fee or fees in full at the time of enrollment, it
38 may be paid by deductions from his or her inmate trust
39 account, subject to the provisions of subsection (f), section
40 thirty-one of this article. No more than one half of the
41 amount in the inmate trust account during any one week
42 period may be so deducted.

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

46 (g) The Regional Jail and Correctional Facility Authority
47 shall promulgate disciplinary rules for the regional jail
48 facilities. The rules are to describe prohibited acts,
49 procedures for charging individual inmates for violations of
50 the rules and for determining the guilt or innocence of
51 inmates charged with the violations, and sanctions that may
52 be imposed for the violations. For each violation by an
53 inmate, any part or all of the good time that has been granted
54 to the inmate may be forfeited and revoked by the
55 administrator of the regional jail facility. The administrator,
56 when appropriate and with approval of the executive director
57 may restore any good time forfeited for a violation of the
58 rules promulgated or adopted pursuant to this subsection.

59 (h) Each inmate sentenced to a term of confinement in a
60 regional jail in excess of six months shall, within seventy-two

61 hours of being received into a regional jail, be given a copy
62 of the disciplinary rules, a statement setting forth the term or
63 length of his or her sentence or sentences, and the time of his
64 or her minimum discharge.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2011.

Governor