

COMMITTEE SUBSTITUTE

FOR

**H. B. 3205**

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(BY DELEGATES SWARTZMILLER AND BOGGS)

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(Originating in the Committee on the Judiciary)  
[February 23, 2011]

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.**

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 ~~one day~~  
29 five days of good time for successful completion ~~of~~ for each  
30 of the following rehabilitation programs: Domestic violence,  
31 parenting, substance abuse, life skills, alcohol and/or drug  
32 awareness, and anger management or any special  
33 rehabilitation or educational program designated by the  
34 executive director. A maximum of ~~five~~ thirty days good  
35 time shall be granted for successful completion of ~~five~~ all six  
36 programs. Upon enrollment, the inmate shall pay a fee of \$50  
37 per class. If the inmate is unable to pay at the time of  
38 enrollment, one-half of all subsequent money earned by the  
39 inmate, subject to the limitations imposed by subsection (f),  
40 section thirty-one of this article, will be deducted from the  
41 inmate's jail trustee account until the fee is paid in full.

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

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

58 (h) Each inmate sentenced to a term of confinement in a  
59 regional jail in excess of six months shall, within seventy-two  
60 hours of being received into a regional jail, be given a copy  
61 of the disciplinary rules, a statement setting forth the term or  
62 length of his or her sentence or sentences, and the time of his  
63 or her minimum discharge.