

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 279

(By Senators Foster, Unger, D. Facemire, Minard and Klempa)

[Originating in the Committee on the Judiciary;
reported February 22, 2011.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-23, relating to work camps for nonviolent offenders; authorizing the establishment of work camps for that purpose; providing definitions; determining eligibility standards; requiring policy be developed; and providing for judicial recommendations.

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 §25-1-23, to read as follows:

**ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS
MANAGEMENT.**

§25-1-23. WORK CAMPS.

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

11 (b) The Commissioner of the Division of Corrections is
12 hereby authorized to establish a program of work camps that
13 may be used for eligible offenders who are sentenced to serve
14 a term of imprisonment under the custody of the commis-
15 sioner of corrections and whom the commissioner may
16 permit to serve all or a part of his or her sentence as a
17 sentence to work camp in accordance with this article.

18 (c) As used in this article, unless the context clearly
19 requires a different meaning, the term:

20 (1) "Commissioner" means the Commissioner of the
21 Division of Corrections;

22 (2) "Division" means Division of Corrections; and

23 (3) "Eligible offender" means eligible offender as defined
24 in subsection (d) of this article.

25 (d) Appropriate inmates, regardless of age, may participate
26 in the work camp program in accordance with the following
27 criteria:

28 (1) One who is medically, physically and psychologically fit
29 to complete the essential features of the program;

30 (2) One who volunteers for the program;

31 (3) One who meets the criteria set forth in policy by the
32 Division of Corrections to reside within and otherwise
33 participate in such work camp program; and

34 (4) One who has been approved for participation in the
35 program by the Commissioner or his or her designee.

36 (e) The circuit court of conviction may recommend that a
37 person be admitted or excluded from participation in the
38 state work camp program. The commissioner, pursuant to
39 Division of Corrections' Policy, may in his or her discretion,
40 direct placement of an inmate in a work camp program.

41 (f) Any placement in the work camp shall be subject to the
42 extent funding is available or appropriated and subject to
43 the availability of space in the work camp: *Provided*, That

44 this section does not give any court the power to hold the
45 Division of Corrections or any officer or employee of the
46 division in contempt of court for failure to adhere to a circuit
47 court recommendation that a person be placed in the state
48 work camp program if space or funding is unavailable or the
49 inmate is not eligible under Division of Corrections' Policy.

50 (g) The Division of Corrections shall issue a Policy Direc-
51 tive, pursuant to Section Five of Article One of this Chapter,
52 for such work camps.

(NOTE: This section is new; therefore, strike-throughs and underscoring have been omitted.)