

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 517**

4 (By Senators K. Facemyer and Unger)

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6 [Originating in the Committee on Agriculture;  
7 reported February 21, 2012.]  
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12 A BILL to amend and reenact §62-11C-5 of the Code of West Virginia,  
13 1931, as amended, relating to creating community  
14 beautification and reclamation programs for state highways,  
15 municipal, county and state parks and recreation areas and  
16 community gardens through the West Virginia Community  
17 Corrections Act.

18 *Be it enacted by the Legislature of West Virginia:*

19 That §62-11C-5 of the Code of West Virginia, 1931, as amended,  
20 be amended and reenacted to read as follows:

21 **ARTICLE 11C. THE WEST VIRGINIA COMMUNITY CORRECTIONS ACT.**

22 **§62-11C-5. Establishment of programs.**

23 (a) Any county or combination of counties or a county or  
24 counties and a Class I or II municipality may establish and operate  
25 community corrections programs, as provided for in this section, to

1 be used both prior to trial as a condition of bond in circuit and  
2 magistrate court, as well as an alternative sentencing option for  
3 those offenders sentenced within the jurisdiction of the county or  
4 counties which establish and operate the program: *Provided, That*  
5 the chief judge must certify that the community corrections  
6 facility is available for use in connection with the imposition of  
7 pretrial bond conditions.

8       (b) Any county or combination of counties or a county or  
9 counties and a Class I or II municipality that seek to establish  
10 programs as authorized in this section shall submit plans and  
11 specifications for the programs to be established, including  
12 proposed budgets, for review and approval by the community  
13 corrections subcommittee established in section three of this  
14 article.

15       (c) Any county or combination of counties or a county or  
16 counties and a Class I or II municipality may establish and operate  
17 an approved community corrections program to provide alternative  
18 sanctioning options for an offender who is convicted of an offense  
19 for which he or she may be sentenced to a period of incarceration  
20 in a county or regional jail or a state correctional facility and  
21 for which probation or home incarceration may be imposed as an  
22 alternative to incarceration.

23       (d) Community corrections programs authorized by subsection  
24 (a) of this section may provide, but are not limited to providing,  
25 any of the following services:

26       (1) Probation supervision programs;

- 1 (2) Day fine programs;
- 2 (3) Community service restitution programs;
- 3 (4) Home incarceration programs;
- 4 (5) Substance abuse treatment programs;
- 5 (6) Sex offender containment programs;
- 6 (7) Licensed domestic violence offender treatment programs;
- 7 (8) Day reporting centers;
- 8 (9) Educational or counseling programs; ~~or~~
- 9 (10) Drug courts; or
- 10 (11) Community beautification and reclamation programs for
- 11 state highways, municipal, county and state parks and recreation
- 12 areas, and community gardens.

13 (e) A county or combination of counties or a county or

14 counties and a Class I or II municipality which establish and

15 operate community corrections programs as provided for in this

16 section may contract with other counties to provide community

17 corrections services.

18 (f) For purposes of this section, the phrase "may be sentenced

19 to a period of incarceration" means that the statute defining the

20 offense provides for a period of incarceration as a possible

21 penalty.

22 (g) No provision of this article may be construed to allow a

23 person participating in or under the supervision of a community

24 corrections program to earn "good time" or any other reduction in

25 sentence.