

Senate Bill No. 517

(By Senators K. Facemyer and Unger)

[Introduced February 6, 2012; referred to the Committee on
Agriculture; and then to the Committee on the Judiciary.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §25-8-1, §25-8-2,
§25-8-3 and §25-8-4, all relating to creating the Community
Gardens Work Release Act of 2012; establishing a community
gardens work release program; stating findings; authorizing
the Division of Corrections to provide the labor force and
contract with state and local governmental and other agencies
for participation; and proposal of rules governing the program
utilizing male and female inmates and confined juvenile or
youthful offenders of this state for the purposes of projects
contemplated by this article.

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 article, designated §25-8-1, §25-8-2, §25-
8-3 and §25-8-4, all to read as follows:

1 **ARTICLE 8. COMMUNITY GARDENS WORK RELEASE ACT OF 2012.**

2 **§25-8-1. Legislative findings.**

3 The Legislature finds that by utilizing the Division of
4 Corrections as the sole labor force, the beautification and
5 rehabilitation of the State of West Virginia can be attained
6 through the development, reclamation and beautification of
7 highways, parks and communities and contribute to the reduction of
8 prison overcrowding.

9 **§25-8-2. Authorization.**

10 The Division of Corrections may establish a community gardens
11 work release program to develop and reclaim areas including
12 highways, lakes, parks and community land utilized as public sites
13 for recreation and beatification projects. This program shall be
14 a part of a Master Gardeners program and the development of
15 Community Gardens throughout the state.

16 **§25-8-3. Participation.**

17 The Commissioner of the Division of Corrections or the
18 commissioner's designee may contract with the Division of Highways,
19 Natural Resources, Forestry, Parks and Recreation, Agriculture,
20 local county and municipal governments and agencies and all
21 community volunteer organizations to implement the purposes of this
22 article, while utilizing the Division of Corrections as the sole
23 labor force.

1 **§25-8-4. Legislative rules.**

2 The commissioner shall propose rules for legislative approval
3 in accordance with the provisions of article three, chapter twenty-
4 nine-a of this code to effectuate the provisions of this article.

5 The rules shall provide that:

6 (a) The Division of Corrections is the sole labor force
7 provider for the projects contemplated by this article.

8 (b) Both male and female inmates and confined juvenile or
9 youthful offenders of this state be utilized for the purposes of
10 projects contemplated by this article. The inmates may work forty
11 hours, four ten hour days, a week in the field, supplemented on the
12 fifth day with day classes and training for merit rewards and class
13 requirements to complete their class graduation to meet parole and
14 sentence specifications. The sixth day shall be classroom study,
15 consisting of classes and projects to help the inmates become
16 better citizens and adults in preparation to go back into the
17 general public after their time has been served, including
18 counseling, with the inmates in groups of eight to ten to discuss
19 their personal issues and receive professional help, given from
20 volunteer members who represent churches and rehabilitation
21 services within each individual community.

22 (c) The inmates be taught trade skills and be required to
23 continue education through classes and seminars to an amount that
24 warrants certificates and training merit.

1 (d) The classes serve as a means to fulfill the educational
2 goals' and job training of the inmates in order for early release
3 and parole qualifications while domiciled at an institution.

4 (e) The inmates may volunteer their services in an additional
5 three hundred to five hundred hours of community work a year to
6 compensate their debt to the local communities.

7 (f) The inmates complete the educational credits established
8 along with the volunteer program to complete their early release
9 and entry back into the public work place.

10 (g) Inmates in this work release program must follow all
11 program rules. They must search for and retain employment and be
12 monitored to ensure compliance. They must continue therapy,
13 treatment, programming and classes. Failure to abide by the rules
14 may result in sanctions or termination from the program.

NOTE: The purpose of this bill is to create the Community Gardens Work Release Act of 2012. The bill establishes a community gardens work release program and authorizes the Division of Corrections to provide the labor force and contract with state and local governmental and other agencies for participation. The bill also provides for rules governing the program and utilizing male and female inmates and confined juvenile or youthful offenders of this state for the purposes of projects contemplated by this article.

This article has been completely rewritten; therefore, strike-throughs and underscoring have been omitted.