AN ACT to amend and reenact §62-11C-5 of the Code of West Virginia, 1931, as amended, relating to creating community beautification and reclamation programs for state highways, municipal, county and state parks and recreation areas and community gardens through the West Virginia Community Corrections Act.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 11C. THE WEST VIRGINIA COMMUNITY CORRECTIONS ACT.

§62-11C-5. Establishment of programs.

(a) Any county or combination of counties or a county or counties and a Class I or II municipality may establish and operate community corrections programs, as provided for in this section, to be used both prior to trial as a condition of bond in circuit and magistrate court, as well as an alterna-
tive sentencing option for those offenders sentenced within
the jurisdiction of the county or counties which establish and
operate the program: Provided, That the chief judge must
certify that the community corrections facility is available
for use in connection with the imposition of pretrial bond
conditions.

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

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

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

(1) Probation supervision programs;
(2) Day fine programs;
(3) Community service restitution programs;
(4) Home incarceration programs;
(5) Substance abuse treatment programs;
(6) Sex offender containment programs;
(7) Licensed domestic violence offender treatment
programs;
(8) Day reporting centers;

(9) Educational or counseling programs;

(10) Drug courts;

(11) Community beautification and reclamation programs for state highways, municipal, county and state parks and recreation areas, and community gardens.

(e) A county or combination of counties or a county or counties and a Class I or II municipality which establish and operate community corrections programs as provided for in this section may contract with other counties to provide community corrections services.

(f) For purposes of this section, the phrase “may be sentenced to a period of incarceration” means that the statute defining the offense provides for a period of incarceration as a possible penalty.

(g) No provision of this article may be construed to allow a person participating in or under the supervision of a community corrections program to earn “good time” or any other reduction in sentence.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within .................................................. this the ............

Day of ................................................................., 2012.

Governor