

H. B. 2737

(By Delegates Gearheart, Householder, Howell, Ellington,
Espinosa, Staggers, Overington, Sumner, Evans, D.,
Ambler and Hamrick)

[Introduced February 26, 2013; referred to the
Committee on the Judiciary then Finance.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §62-11F-1, §62-11F-2,
§62-11F-3, §62-11F-4, §62-11F-5, §62-11F-6 and §62-11F-7, all
relating to creating a pilot work/incarceration prison;
providing a short title; providing for offenders who are
eligible to participate; establishing one work/incarceration
prison; authorizing the Division of Corrections to propose
rules for the operation and reporting of the
work/incarceration prison; providing for a reduction in the
sentence of an offender sentenced to the work/incarceration
prison; providing that a serious violation of the rules result
in an additional sentence; appropriations; providing for the
admittance of offenders from other counties; and providing for
the evaluation of the work/incarceration prison.

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 §62-11F-1, §62-11F-2,

1 §62-11F-3, §62-11F-4, §62-11F-5, §62-11F-6 and §62-11F-7, all to
2 read as follows:

3 **ARTICLE 11F. WORK/INCARCERATION ACT (PILOT).**

4 **§62-11F-1. Short title.**

5 This article may be cited as the "Work/Incarceration Act."

6 **§62-11F-2. Application.**

7 This article applies to adult offenders that have not been
8 convicted of a crime of violence or sex related offense. The
9 article also applies only to offenders sentenced to two years
10 incarceration or less.

11 **§62-11F-3. Limitations.**

12 This article allows one county to receive approval to
13 establish a work/incarceration prison. Those counties interested
14 in establishing such a facility must develop a plan and submit the
15 plan to the Division of Corrections for review and approval. The
16 Division of Corrections shall propose rules of operation and
17 reporting for this work/incarceration prison for legislative
18 approval in accordance with the provisions of article three,
19 chapter twenty-nine-a of this code.

20 **§62-11F-4. Provisions.**

21 (a) An offender may be any person meeting the application
22 standards set forth in section two of this article, who is
23 sentenced to the work/incarceration prison by a magistrate or a

1 circuit judge. Offenders are eligible for a twenty percent
2 reduction in their sentence for participation in the
3 work/incarceration program, but must maintain complete adherence to
4 rules of conduct as established by the Division of Corrections.

5 (b) An offender sentenced to the work/incarceration prison by
6 a magistrate or circuit judge, who commits any serious violation of
7 the rules of conduct as established by the Division of Corrections,
8 shall be transferred to a correctional facility with an additional
9 year added to that offender's original sentence.

10 (c) The work/incarceration prison superintendent may reject
11 any offender from admittance and may remove any offender from the
12 work/incarceration prison population for cause, as established by
13 rules established by the Division of Corrections. If admittance is
14 disallowed or if the offender is removed, alternative sentencing
15 shall be provided by the proper judicial authority.

16 **§62-11F-5. Appropriations.**

17 The Legislature should appropriate \$500,000 to the county
18 establishing the initial work/incarceration prison for the initial
19 expense of establishment of the work/incarceration prison. The
20 plan submitted to the Division of Corrections for approval, as
21 provided in section three of this article, should include means
22 and methods of making the work/incarceration prison self-sustaining
23 utilizing work product and service from the offenders in the
24 work/incarceration prison.

1 **§62-11F-6. Admittance of offenders from other counties.**

2 The county establishing the work/incarceration prison may
3 allow at its option offenders from other counties to be
4 incarcerated and may charge a fee equal to fifty percent of that
5 charged by the Regional Jail Authority to house prisoners.

6 **§62-11F-7. Evaluation.**

7 The Division of Corrections shall monitor and evaluate the
8 work/incarceration prison to determine effectiveness, efficiency,
9 and potential for expansion into other counties and report to the
10 Legislature annually.

NOTE: The purpose of this bill is to create a Work/Incarceration Prison pilot program. The bill establishes guidelines for what offenders may be sentenced to the program. The bill provides for the establishment of one work/incarceration prison. The bill further provides that the Division of Corrections shall propose rules of operation and reporting. The bill provides that an offender sentenced to the work/incarceration prison is eligible for a reduction in their sentence. The bill also provides that an offender who is sentenced to the work/incarceration prison but commits a serious violation of the rules shall be sent to a correctional facility and have an additional year added on to their original sentence. The bill provides for an appropriation from the Legislature for the establishment of the work/incarceration prison. The bill also allows for offenders from other counties to be accepted into the work/incarceration prison. The bill further provides for an annual evaluation of the work/incarceration prison to be submitted to the Legislature.

This article is new; therefore, it has been completely underscored.