

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 601**

SENATOR TRUMP, *original sponsor*

[Originating in the Committee on the Judiciary;

Reported on February 15, 2019]



1 A BILL to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a  
2 new section, designated §15A-4-17a, relating to mandatory supervision of adult inmates  
3 generally; authorizing the Commissioner of the Division of Corrections and Rehabilitation  
4 to develop mandatory supervised release plans; authorizing the early release of inmates  
5 subject to the conditions of a mandatory supervised release plan; providing for return of  
6 inmates to a correctional facility for violations of the conditions of mandatory supervised  
7 release plans; providing that inmates on mandatory supervised release are considered to  
8 be on parole; clarifying that mandatory supervised release plan is not a commutation of  
9 sentence or any other form of clemency; and providing that mandatory supervised release  
10 concludes upon completion of the minimum expiration of sentence.

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

#### **ARTICLE 4. CORRECTIONS MANAGEMENT.**

##### **§15A-4-17a. Division of Corrections and Rehabilitation mandatory supervised release plan.**

1 The commissioner may develop a mandatory supervised release plan for an inmate  
2 -serving a sentence for a felony offense not referenced in §15A-4-17(k) of this code who has not  
3 been granted discretionary parole 180 days prior to the inmate's minimum expiration of sentence,  
4 which may include electronic monitoring as a condition of release. The inmate may be released  
5 and subject to a period of mandatory supervision of 180 days when he or she is 180 days from  
6 his or her minimum expiration of sentence.

7 (1) An inmate on mandatory supervised release pursuant to this subsection may be  
8 returned by the commissioner to a correctional facility for violation of the conditions of supervision  
9 and may not again be eligible for mandatory supervised release during the same period of  
10 incarceration.

11 (2) An inmate on mandatory supervised release shall be considered released on parole.

12 (3) Mandatory supervised release is not a commutation of sentence or any other form of  
13 clemency.

14           (4) Subject to subdivision (1) of this subsection, the period of mandatory supervised  
15 release shall conclude upon completion of the minimum expiration of sentence.