WEST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

House Bill 2176

By Delegates Phillips, D. Kelly and Paynter

[Introduced February 10, 2021; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §61-5-10 of the Code of West Virginia, 1931, as amended, relating to making it a criminal offense to escape or attempt to escape from the custody of a Community Corrections program.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-10. Persons in custody of institutions or officers.

Whoever escapes or attempts to escape by any means from the custody of a county sheriff, the director of the Regional Jail Authority, an authorized representative of said persons, a law-enforcement officer, probation officer, employee of the Division of Corrections, employee of a Community Corrections program, court bailiff, or from any institution, facility, or any alternative sentence confinement, by which he or she is lawfully confined, if the custody or confinement is by virtue of a charge or conviction for a felony, is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not more than five years; and if the custody or confinement is by virtue of a charge or conviction for a misdemeanor, is guilty of a misdemeanor and, upon conviction thereof, he or she shall be confined in a ~~county or~~ regional jail for not more than one year.

NOTE: The purpose of this bill is to make it a criminal offense to escape or attempt to escape from the custody of a Community Corrections program. The bill puts community corrections programs on a par with law-enforcement officers, Division of Corrections and other similar entities.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.