

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5368

By Delegates Kelly, Hott, Phillips, Jeffries, Pinson,

Brooks, Steele and Garcia

[Introduced January 30, 2024; Referred to the
Committee on Jails and Prisons then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new
 2 sections, designated §15A-3-19 and §15A-3-20, all relating to creating Regional Jail
 3 Commissions; setting forth the composition of the commissions; setting forth the terms of
 4 the members; setting forth compensation of the members; setting forth administrative
 5 responsibilities; creating powers and duties of the commissions; and requiring reports.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.

§15A-3-19. Regional Jail Commissions.

1 (a) There is hereby created in each region a regional jail commission composed of the
 2 following members: The sheriff from each county in the region or his or her designated
 3 representative; a member of the county commission from each county in the region chosen by the
 4 commission or a designated representative; one mayor from each county in the region to be
 5 appointed the commissioner from a list of names submitted by the West Virginia municipal league,
 6 or a designated representative; a circuit court judge from each county in the region, selected by
 7 the chief justice of the Supreme Court of Appeals, or a designated representative; and three
 8 persons from the region who are representative of the areas of law, medicine, and education to be
 9 appointed by the commissioner. Members of the commission will serve for a term of three years.

10 (b) Any appointed member whose term has expired shall serve until his or her successor
 11 has been duly appointed and qualified. Any person appointed to fill a vacancy shall serve only for
 12 the unexpired term. Any appointed member is eligible for reappointment. Members of the
 13 commission are not entitled to compensation for services performed as members but are entitled
 14 to reimbursement for all reasonable and necessary expenses actually incurred in the performance
 15 of their duties. The county commission from each county in the region shall provide the
 16 commission with secretarial and other necessary services.

§15A-3-20. General power of the Regional Jail Commissions.

1 (a) Beginning after the effective date of this section in the 2024 Regular Session of the
2 Legislature, each regional jail commission shall annually on or before November 30 prepare and
3 submit such suggestions and recommendations as to the efficacy of community-based
4 correctional programs which provide the judicial system with alternatives to pretrial incarceration
5 and sentencing alternatives for those offenders who may require less than institutional custody, to
6 the Governor, the Speaker of the House of Delegates, the President of the Senate, and, upon
7 request, to any individual member of the Legislature.

8 (b) The reports of the commissions may include, but are not limited to:

9 (1) The development of programs in cooperation with community medical and mental
10 health centers in the region to provide adequate medical and substance use disorder services;

11 (2) A statistical summary of the number of persons diverted from institutional custody to
12 non-carceral community-based correctional services and the reasons for lack of the use of such
13 services;

14 (3) Identification of innovative or technological solutions to better train and equip
15 community corrections facilities to monitor offenders and ensure compliance;

16 (4) A study of the limitation of access to community corrections programs for offenders
17 residing in rural areas of the state and solutions to such obstacles by making programs and
18 services more accessible and encouraging positive behavioral changes, including through the use
19 of innovative or technological innovations;

20 (5) The use of web-based mobile applications to enhance community supervision which
21 would allow community-based service providers to complete individualized conditions of
22 supervision and other court-ordered responsibilities; and

23 (6) The availability of grants or other funding necessary to accomplish the
24 recommendations of the commission and the potential costs involved in the implementation of
25 commission recommendations.

NOTE: The purpose of this bill is to create Regional Jail Commissions; to set forth the composition of the commissions, the terms of the members, the compensation of the members, the administrative responsibilities, create the powers and duties of the commissions, and requiring reports.

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