

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5636**

By Delegate Lewis

[Introduced February 12, 2024; Referred to the  
Committee on Jails and Prisons then the Judiciary]

1 A BILL to amend and reenact §15A-4A-1, §15A-4A-3, §15A-4A-4, and §15A-4A-5 of the Code of  
 2 West Virginia, 1931, as amended; and to further amend said code by repealing §15A-4A-7,  
 3 all relating to facilitating the successful transitioning of offenders back into society;  
 4 establishing a statewide work release program; and requiring certain offenders to develop  
 5 and complete a program to facilitate his or her successful transition back into society.

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

**ARTICLE 4A. ~~EXPANDED WORK RELEASE PILOT PROGRAM~~ FACILITATION OF  
CRIMINAL OFFENDER'S SUCCESSFUL RETURN TO SOCIETY.**

**§15A-4A-1. Purpose of article and legislative findings.**

1 (a) The purpose of this article is to ~~establish an expanded required work release pilot~~  
 2 ~~program~~ to create pathways for offenders to have successful reentry into society and reduce  
 3 recidivism by offenders. ~~in no more than five locations in this state.~~

4 (b) The Legislature finds that the primary reasons for requiring participation in a work  
 5 release program and other programs that are designed ~~are~~ to increase public protection while  
 6 aiding the transition of the offender back into the community where he or she will be going with or  
 7 without work release program participation. Participating in work release, receiving drug,  
 8 physiological counseling, and job training all to ~~may~~ reduce the likelihood of recidivism by  
 9 gradually reintroducing an offender to the community and address issues that caused or facilitated  
 10 the offender's conduct that resulted in imprisonment, while providing security, structure, and  
 11 supervision and providing necessary services.

12 (c) The Legislature further finds that participation in a work release program and  
 13 conditioning release on receipt and completion of counseling and other services that prepares the  
 14 offender for release and provides a transitional environment for offenders nearing the end of their  
 15 sentences while maintaining structure, supervision, offender accountability, improved program  
 16 opportunities, employment counseling and placement, substance abuse, and life skills training.



6 and

7 (4) An offender determined by the commissioner, in his or her sole discretion, to pose a  
8 threat to the safety of another or to the community or to be an otherwise inappropriate candidate  
9 for participation in the program.

10 (b) An offender who has been incarcerated for five or more years who has reached his or  
11 her parole eligibility date who is not eligible for work release, shall as part of their home plan, enter  
12 a substance use disorder program, behavioral health programing, or other type of reentry  
13 program, which may be either inpatient or out-patient. The offender shall successfully complete  
14 the program as a condition of their parole.

**§15A-4A-7. Funding and financial implications.**

1 [Repealed.]

NOTE: The purpose of this bill is to establish a state-wide work release program for all offenders to facilitate their successful transition back into society; and to require that every eligible offender incarcerated five years participate in work release, or if not eligible for work release, to enter into and complete a reentry plan as a condition of his or her parole.

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