

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2507

FISCAL
NOTE

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JEFFRIES, J., GRAVES, HOWELL, WILSON, FOSTER AND
KESSINGER

[Introduced January 17, 2019; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §15A-4-17 of the Code of West Virginia, 1931, as amended, relating
 2 to eliminating good time credit for inmates who have been convicted on a prior occasion
 3 of another felony offense in an unrelated matter that was not part of the same criminal
 4 transaction as the current conviction.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. CORRECTIONS MANAGEMENT.

§15A-4-17. Deduction from sentence for good conduct; mandatory supervision.

1 (a) All current and future adult inmates sentenced to a felony and, placed in the custody
 2 of the division, except those committed pursuant to §25-4-1 *et seq.* of this code, shall be granted
 3 commutation from their sentences for good conduct in accordance with this section: *Provided,*
 4 That nothing in this section shall be considered to recalculate the “good time” of inmates currently
 5 serving a sentence or of giving back good time to inmates who have previously lost good time
 6 earned for a disciplinary violation, except for those inmates currently serving a sentence for a
 7 misdemeanor.

8 (b) The commutation of sentence, known as “good time”, shall be deducted from the
 9 maximum term of indeterminate sentences or from the fixed term of determinate sentences.

10 (c) Each inmate committed to the custody of the commissioner and incarcerated in a
 11 facility pursuant to that commitment shall be granted one day good time for each day he or she is
 12 incarcerated, including any and all days in jail awaiting sentence which are credited by the
 13 sentencing court to his or her sentence pursuant to §61-11-24 of this code or for any other reason
 14 relating to the commitment. An inmate may not be granted any good time for time served either
 15 on parole or bond or in any other status when he or she is not physically incarcerated.

16 (d) An inmate sentenced to serve a life sentence is not eligible to earn or receive any good
 17 time pursuant to this section.

18 (e) An inmate under two or more consecutive sentences shall be allowed good time as if
19 the several sentences, when the maximum terms of the consecutive sentences are added
20 together, were all one sentence.

21 (f) The commissioner shall promulgate disciplinary rules and policies. The rules and
22 policies shall describe acts that inmates are prohibited from committing, procedures for charging
23 individual inmates for violation of the rules, and for determining the guilt or innocence of inmates
24 charged with the violations, and the sanctions which may be imposed for the violations. A copy of
25 the rules shall be given to each inmate. For each violation, by a sanctioned inmate, any part or all
26 of the good time which has been granted to the inmate pursuant to this section may be forfeited
27 and revoked by the superintendent of the institution in which the violation occurred. The
28 superintendent when appropriate and with approval of the commissioner, may restore any
29 forfeited good time.

30 (g) Each inmate, upon his or her commitment to, and being placed into the custody of the
31 commissioner, or upon his or her return to custody as the result of violation of parole pursuant to
32 §62-12-19 of this code, shall be given a statement setting forth the term or length of his or her
33 sentence or sentences and the time of his or her minimum discharge computed according to this
34 section.

35 (h) Each inmate shall be given a revision of the statement described in §15A-4-17(g) of
36 this code when any part or all of the good time has been forfeited and revoked or restored
37 pursuant to §15A-4-17(f) of this code, by which the time of his or her earliest discharge is changed.

38 (i) The superintendent may, with the approval of the commissioner, allow extra good time
39 for inmates who perform exceptional work or service.

40 (j) There shall be no grants or accumulations of good time or credit to any current or future
41 inmate serving a sentence in the custody of the Division of Corrections and Rehabilitation except
42 in the manner provided in this section.

43 (k) Prior to the calculated discharge date of an inmate serving a sentence for a felony
44 crime of violence against the person, a felony offense where the victim was a minor child or a
45 felony offense involving the use of a firearm, one year shall be deducted from the inmate's
46 accumulated good time to provide for one year of mandatory post-release supervision following
47 the first instance in which the inmate reaches his or her calculated discharge date. All inmates
48 released pursuant to this subsection shall be subject to electronic or GPS monitoring for the entire
49 period of supervision. The provisions of this subsection are applicable to offenses committed on
50 or after July 1, 2013.

51 (l) Upon sentencing of an inmate for a felony offense not referenced in §15A-4-17(k) of
52 this code, the court may order that 180 days of the sentence, or some lesser period, be served
53 through post-release mandatory supervision if the court determines supervision is appropriate
54 and in the best interest of justice, rehabilitation, and public safety. All inmates released pursuant
55 to this subsection shall be subject to electronic or GPS monitoring for the entire period of
56 supervision. The provisions of this subsection are applicable to offenses committed on or after
57 July 1, 2013.

58 (m) The commissioner shall adopt policies and procedures to implement the mandatory
59 supervision provided for in §15A-4-17(k) and §15A-4-17(l) of this code, which may include terms,
60 conditions, and procedures for supervision, modification, and violation applicable to persons on
61 parole.

62 (n) As used in this section, "felony crime of violence against the person" means felony
63 offenses set forth in §61-2-1 *et seq.*, §61-3E-1 *et seq.*, §61-8B-1 *et seq.*, or §61-8D-1 *et seq.* of
64 this code, and the felony offenses of arson and burglary of a residence where an individual is
65 physically located at the time of the offense as set forth in §61-3-1 *et seq.* of this code.

66 (o) As used in this section, "felony offense where the victim was a minor child" means any
67 felony crime of violence against the person and any felony offense set forth in §61-8-1 *et seq.*,
68 §61-8A-1 *et seq.*, §61-8C-1 *et seq.*, or §61-8D-1 *et seq.* of this code.

69 (p) No inmate who was convicted on a prior occasion of another felony offense in an
70 unrelated matter, and not part of the same criminal transaction as the current conviction, in this
71 state, any other state, or by any jurisdiction within the United States is eligible to receive good
72 time credit pursuant to this section.

NOTE: The purpose of this bill is to eliminate good time credit for inmates who have been convicted on a prior occasion of another felony offense in an unrelated matter that was not part of the same criminal transaction as the current conviction.

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