

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

Introduced

### House Bill 4818

FISCAL  
NOTE

BY DELEGATES PHILLIPS, STEELE, PAYNTER, BIBBY AND

D. KELLY

[Introduced February 11, 2020; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §61-5-10 of the Code of West Virginia, 1931, as amended, relating  
 2 to making it a criminal offense to escape or attempt to escape from the custody of a  
 3 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.**

1 Whoever escapes or attempts to escape by any means from the custody of a county  
 2 sheriff, the director of the Regional Jail Authority, an authorized representative of said persons, a  
 3 law-enforcement officer, probation officer, employee of the Division of Corrections, employee of  
 4 a Community Corrections program, court bailiff, or from any institution, facility, or any alternative  
 5 sentence confinement, by which he or she is lawfully confined, if the custody or confinement is by  
 6 virtue of a charge or conviction for a felony, is guilty of a felony and, upon conviction thereof, shall  
 7 be confined in a correctional facility for not more than five years; and if the custody or confinement  
 8 is by virtue of a charge or conviction for a misdemeanor, is guilty of a misdemeanor and, upon  
 9 conviction thereof, he or she shall be confined in a ~~county~~ or regional jail for not more than one  
 10 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.