

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2642

FISCAL
NOTE

BY DELEGATE HORNBUCKLE

[Introduced February 23, 2021; Referred to the
Committee on the Judiciary then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §25-8-1, §25-8-2, §25-8-3, §25-8-4, §25-8-5, §25-8-6, §25-8-7, §25-8-8, and
 3 §25-8-9; all relating to creation of a task force to provide comprehensive reentry
 4 transitional services to offenders reentering communities; providing for a short title;
 5 providing for legislative findings; providing for membership of the task force; providing for
 6 no compensation to members; providing for staffing requirements; providing for duties of
 7 the task force; providing for funding; creating a fund; providing for the disposition of fund
 8 moneys; establishing requirements to apply for federal grant funding; requiring a strategic
 9 plan for funding; providing for standard reentry services; providing for family-based
 10 substance abuse services; providing for educational services; providing for drug treatment
 11 and mentoring services; providing for responsible reintegration services; providing for
 12 elderly and family reunification services; providing for children of incarcerated parents
 13 services; providing for reports to the legislature; providing a severability clause; and
 14 providing for an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. REENTRY TASK FORCE FOR TRANSITIONING OFFENDERS.

§25-8-1. Short title.

1 This article may be known and cited as the “Reentry Task Force.”

§25-8-2. Legislative findings.

1 (a) The Legislature finds that assisting offenders reentering their community from
 2 incarceration by providing transitional services during and after the period of incarceration to
 3 establish a self-sustaining and law-abiding life is an important economic goal to break the cycle
 4 of recidivism rates.

5 (b) The Legislature further finds that:

6 (1) Services rebuilding ties between an offender and their families both during
 7 incarceration and upon reentry into the community is an important factor in reducing recidivism

8 rates;

9 (2) Providing evidence-based programs, such as substance abuse treatment, mental
10 health counseling, financial planning, education, and conflict resolution skills, are important
11 comprehensive reentry services that are currently lacking in this state; and

12 (3) Establishing services to promote education, vocational training, literacy, and job
13 placement to facilitate reentry lowers recidivism rates and encourages offenders to maintain a
14 self-sufficient lifestyle.

§25-8-3. Task force membership; compensation; staff; duties.

1 (a) The task force will consist of the following members:

2 (1) The Commissioner of the Division of Corrections and Rehabilitation, or designee;

3 (2) Five employees from the Division of Corrections and Rehabilitation appointed by the
4 commissioner, with the knowledge and skill to carry out the duties of the task force: *Provided,*
5 That at least one employee is employed as a parole officer in this state: *Provided, however, That*
6 at least one employee is employed in juvenile corrections;

7 (3) The Secretary of the Department of Health and Human Services, or designee;

8 (4) One member from the Human Rights Commission, appointed by the Secretary of the
9 Department of Health and Human Resources;

10 (5) The Commissioner for the Bureau for Children and Families, or designee;

11 (6) Two current employees in child protective services, appointed by the Commissioner
12 for the Bureau for Children and Families;

13 (7) The Superintendent of the West Virginia State Police, or designee;

14 (8) Two members of the House of Delegates, appointed by the Speaker of the House;

15 (9) Two members of the West Virginia Senate, appointed by the President of the Senate;

16 and

17 (10) The Governor shall appoint the following members:

18 (A) Up to three retired members of the West Virginia State Police;

19 (B) Up to two legal professors or one legal professor and one policy analyst from this state;

20 (C) One lay citizen member who is an immediate family member of an incarcerated
21 individual; and

22 (D) One citizen member who was formerly incarcerated as a nonviolent offender in this
23 state.

24 (b) No member of the task force may be compensated as a member. However, all
25 members shall be reimbursed for travel expenses as set by the Travel Management Office.

26 (c) The organizations represented on the task force shall jointly provide staff for the task
27 force until such time as the task force is operationally capable to hire and pay for staff members.

28 (d) The task force shall implement comprehensive reentry programs for offenders
29 reentering their communities as discussed in this article and shall meet at least twice a year. The
30 task force may call upon the advice and consent of any person or organization in this state to
31 assist the task force in completing its duties. The first order of business for the task force is to
32 elect a chairperson.

§25-8-4. Funding; creation of a fund; disposition of funds; Legislative appropriations.

1 (a) The task force shall apply for federal grant funds for the purpose of offering reentry
2 services to offenders reentering their communities in this state under the Second Chance Act of
3 2007, 42 U.S.C. §17501.

4 (b) The chairperson of the task force shall request the State Treasurer create a fund in the
5 Treasurer's office called the Reentry Transition Fund. All grant moneys received by the task force
6 may be deposited into the fund. No portion of unused funds shall be remitted to the General
7 Revenue Fund of this state.

8 (c) The State Treasurer may take a portion of the funds from the Reentry Transition Fund
9 to recover costs associated with administering the fund.

10 (d) Once the task force becomes operationally sufficient to hire and pay staff, salaries may
11 be paid from the fund.

12 (e) No grants received by the task force may be used in any manner other than the uses
13 provided in 42 U.S.C. §17501.

§25-8-5. Application for grant funds; strategic plan.

1 (a) The task force shall refer to 42 U.S.C. §17501(d) when applying for grant funding for
2 the Reentry Task Force and include, the reentry strategic plan to implement and continue the
3 reentry program upon cessation of grant funds, identify the role of state and local government in
4 reentry, and describe how the success and impact of the program will be measured.

5 (b) The task force will create a strategic reentry plan for each grant application containing,
6 at a minimum:

7 (1) Measurable annual and five-year performance outcomes, using random and controlled
8 studies to determine effectiveness;

9 (2) Communication plans between the task force, correction facilities, communities, state
10 and local government leaders, and families of incarcerated persons to best develop necessary
11 reentry services and ensure continued development of services; and

12 (3) Annual measurements of recidivism rates to ensure the efficacy of the program.

§25-8-6. Reentry services to offenders.

1 (a) *Standard services.* – The task force shall create a program to provide and coordinate
2 the delivery of community services to juvenile and adult offenders, including:

3 (1) Housing assistance;

4 (2) Literacy and education;

5 (3) Job training and job placement;

6 (4) Conflict resolution skills training;

7 (5) Batterer intervention programs;

8 (6) Health and nutrition information, including mental health treatment;

9 (7) Personal finance and consumer skills; and

10 (8) Other appropriate social services, including, but not limited to, (i) Release requirements

11 and procedures, (ii) drug and alcohol testing and assessment for treatment, and (iii) additional
12 community resources.

13 Standard services should include a reentry plan and begin providing these services to
14 incarcerated individuals prior to release. Standard services shall apply to all offenders reentering
15 their communities and be in addition to any other services, as needed.

16 (b) Family-based substance abuse services. – The task force shall administer funding for
17 clinically-appropriate family-based substance abuse treatment programs as alternatives to
18 incarceration for nonviolent drug offenders and provide prison-based family treatment programs
19 for incarcerated parents with minor children. The program must include all provisions from 42
20 U.S.C. §3797s-2. Such services may include;

21 (1) Treatment of nonviolent drug offenders and their children in a residential setting that is
22 not a hospital or outpatient center;

23 (2) Payments to public or nonprofit private entities to provide substance abuse treatment
24 to nonviolent parent drug offenders participating in the program;

25 (3) Counseling services to all members of the family; and

26 (4) Other appropriate services.

27 (c) Educational services. – The task force may create an educational program to establish
28 a technology career training program to train incarcerated adults or juveniles for technology-based
29 jobs and careers. Internet access may be restricted by any correctional facility or the task force
30 to ensure public safety.

31 (d) Drug treatment and mentoring services. – The task force may create an enhanced
32 drug treatment and mentoring program for incarcerated persons to ensure long-term success and
33 sobriety upon reentry. The task force may authorize nonprofit private entities or other mental
34 health professionals specializing in drug addiction to act as a mentor for offenders reentering their
35 communities. The task force may authorize payments on behalf of reentering offenders for
36 services such as, counseling, rehabilitation placement, housing assistance, and drug and alcohol

37 testing among other necessary services.

38 (e) *Responsible reintegration program.* – The task force shall create a program to
39 reintegrate eligible offenders into communities by providing services including:

40 (1) Mentoring and counseling, including support, guidance, and workplace assistance to
41 address challenges:

42 (2) Providing job training and job placement services as defined in 29 U.S.C. §2801;

43 (3) Providing outreach, orientation, intake, assessments, case management, and other
44 transitional services as needed.

45 An “eligible offender” shall have the same definition in 42 U.S.C. 17532.

46 (f) *Elderly and family reunification program.* – The task force shall create a pilot program
47 to remove eligible elderly offenders from correctional facilities and place them on home detention
48 until expiration of the prison term. Any violation of home detention shall be immediate grounds to
49 reinstate the prison term at a correctional facility. An elderly eligible offender shall have the same
50 meaning as 42 U.S.C. §17541(g)(5)(A).

51 (g) *Children of incarcerated parents.* – The task force shall create a program and partner
52 with the corresponding government agency to ensure the needs of children of incarcerated
53 parents are met, including providing counseling services. Services in this program shall include,
54 at a minimum:

55 (1) Maintenance of the parent-child bond during incarceration;

56 (2) Parental self-improvement through workshops, classes, group discussions, or other
57 means; and

58 (3) Parental involvement in planning for the future and well-being of their child, including
59 health and nutrition, financial planning, and educational services.

§28-8-7. Reports to the Legislature.

1 The task force shall report annually before December 1 of each year on the status of the
2 program to the Joint Committee on Government and Finance using such measurable markers as

3 recidivism rates annually and for five-years for offenders who use the programs and services. No
4 reports will be required before December 2022, so the task force may gather enough useable
5 data to extrapolate potential effects and trends.

§28-8-8. Severability.

1 The provisions of this article are severable and accordingly, if any part of this article is
2 adjudged to be unconstitutional or invalid, that determination does not affect the continuing validity
3 of the remaining provisions of this article.

§28-8-9. Effective date.

1 The provisions of this article shall take effect on July 1, 2021.

NOTE: The purpose of this bill is to establish and create comprehensive reentry services for offenders reentering communities to reduce recidivism rates by providing standard services; family-based substance abuse services; educational services; drug treatment and mentoring services; responsible reintegration services; elderly and family reunification services; and children of incarcerated parents services.

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