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SB 484

FILED

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OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

**WEST VIRGINIA LEGISLATURE**  
Regular Session, 2006

**ENROLLED**

SENATE BILL NO. 484

(By Senator Kessler, et al )

PASSED March 9, 2006

In Effect from Passage

FILED

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OFFICE OF THE WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

## Senate Bill No. 484

(BY SENATORS KESSLER, DEMPSEY, FANNING, FOSTER,  
MINARD, OLIVERIO, BARNES, CARUTH, DEEM,  
HARRISON, LANHAM AND WEEKS)

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[Passed March 9, 2006; in effect from passage.]

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AN ACT to amend and reenact §62-11C-5 of the Code of West Virginia, 1931, as amended, relating to authorizing the use of community corrections programs in pretrial supervision.

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

That §62-11C-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 11C. WEST VIRGINIA COMMUNITY CORRECTIONS ACT.**

**§62-11C-5. Establishment of programs.**

- 1 (a) Any county or combination of counties or a county or
- 2 counties and a Class I or II municipality may establish and
- 3 operate community corrections programs, as provided for
- 4 in this section, to be used both prior to trial as a condition
- 5 of bond in circuit and magistrate court, as well as an
- 6 alternative sentencing option for those offenders sentenced

7 within the jurisdiction of the county or counties which  
8 establish and operate the program: *Provided*, That the  
9 chief judge must certify that the community corrections  
10 facility is available for use in connection with the imposi-  
11 tion of pretrial bond conditions.

12 (b) Any county or combination of counties or a county or  
13 counties and a Class I or II municipality that seek to  
14 establish programs as authorized in this section shall  
15 submit plans and specifications for the programs to be  
16 established, including proposed budgets, for review and  
17 approval by the community corrections subcommittee  
18 established in section three of this article.

19 (c) Any county or combination of counties or a county or  
20 counties and a Class I or II municipality may establish and  
21 operate an approved community corrections program to  
22 provide alternative sanctioning options for an offender  
23 who is convicted of an offense for which he or she may be  
24 sentenced to a period of incarceration in a county or  
25 regional jail or a state correctional facility and for which  
26 probation or home incarceration may be imposed as an  
27 alternative to incarceration.

28 (d) Community corrections programs authorized by  
29 subsection (a) of this section may provide, but are not  
30 limited to providing, any of the following services:

- 31 (1) Probation supervision programs;
- 32 (2) Day fine programs;
- 33 (3) Community service restitution programs;
- 34 (4) Home incarceration programs;
- 35 (5) Substance abuse treatment programs;
- 36 (6) Sex offender containment programs;
- 37 (7) Licensed domestic violence offender treatment  
38 programs;

39 (8) Day reporting centers;

40 (9) Educational or counseling programs; or

41 (10) Drug courts.

42 (e) A county or combination of counties or a county or  
43 counties and a Class I or II municipality which establish  
44 and operate community corrections programs as provided  
45 for in this section may contract with other counties to  
46 provide community corrections services.

47 (f) For purposes of this section, the phrase “may be  
48 sentenced to a period of incarceration” means that the  
49 statute defining the offense provides for a period of  
50 incarceration as a possible penalty.

51 (g) No provision of this article may be construed to allow  
52 a person participating in or under the supervision of a  
53 community corrections program to earn “good time” or  
54 any other reduction in sentence.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *7th* .....  
Day of *April* ....., 2006.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 3 0 2006

Time 12:15