

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 3205**

4  
5 (By Delegates Boggs and Swartzmiller)

6 (Originating in the Committee on the Judiciary)

7  
8 [February 23, 2011]

9  
10 A BILL to amend and reenact §31-20-5d of the Code of West Virginia,  
11 1931, as amended, relating to providing persons convicted of  
12 a criminal offense and sentenced to confinement in a regional  
13 jail a reduction in sentence for successful completion of  
14 education and rehabilitation programs; increasing the time  
15 permitted by a sentence reduction from one day to five days  
16 per program; adding an alcohol awareness program to the  
17 programs offered; increasing the total time permitted by  
18 sentence reduction to thirty days; and establishing an  
19 enrollment fee for each program.

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

21 That §31-20-5d of the Code of West Virginia, 1931, as amended,  
22 be amended and reenacted to read as follows:

23 **ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY**

24 **AUTHORITY.**

25 **§31-20-5d. Good time credit.**

26 (a) Any person convicted of a criminal offense and sentenced  
27 to confinement in a regional jail is to be granted reduction of his  
28 or her sentence for good conduct in accordance with this section.

1 (b) The reduction of sentence or good time is to be deducted  
2 from the fixed term of determinate sentences. An inmate under two  
3 or more consecutive sentences is allowed good time as if the  
4 several sentences, when the maximum terms thereof are added  
5 together, were all one sentence.

6 (c) Every inmate sentenced to a regional jail for a term of  
7 confinement exceeding six months who, in the judgment of the  
8 administrator of the regional jail facility, faithfully complies  
9 with all rules of the regional jail during his or her term of  
10 confinement is entitled to a deduction of five days from each month  
11 of his or her sentence. No inmate may be granted any good time  
12 under the provisions of this section for time spent on bond or for  
13 time served on parole or in any other status in which he or she is  
14 not physically incarcerated.

15 (d) Each inmate sentenced to a term of confinement in a  
16 regional jail facility who participates in a general equivalency  
17 diploma program is to be granted three days of good time for the  
18 completion of each educational literacy level, as demonstrated by  
19 achieving a passing score on standardized tests required by the  
20 department of education, and ten days of good time for completion  
21 of the requirements for a general equivalency diploma or high  
22 school diploma.

23 (e) Each inmate sentenced to a term of confinement in a  
24 regional jail in excess of six months shall be granted ~~one day~~ five  
25 days of good time for successful completion ~~of~~ for each of the  
26 following rehabilitation programs: Domestic violence, parenting,  
27 substance abuse, life skills, alcohol and/or drug awareness, and  
28 anger management or any special rehabilitation or educational

1 program designated by the executive director. A maximum of ~~five~~  
2 thirty days good time shall be granted for successful completion  
3 of ~~five~~ all six programs. Upon enrollment, the inmate shall pay a  
4 fee of \$50 per class. If the inmate is unable to pay at the time  
5 of enrollment, one-half of all subsequent money earned by the  
6 inmate, subject to the limitations imposed by subsection (f),  
7 section thirty-one of this article, will be deducted from the  
8 inmate's jail trustee account until the fee is paid in full.

9 (f) The administrator of a regional jail facility may, with  
10 the approval of the Governor, allow extra good time for inmates who  
11 perform exceptional work or service.

12 (g) The Regional Jail and Correctional Facility Authority  
13 shall promulgate disciplinary rules for the regional jail  
14 facilities. The rules are to describe prohibited acts, procedures  
15 for charging individual inmates for violations of the rules and for  
16 determining the guilt or innocence of inmates charged with the  
17 violations, and sanctions that may be imposed for the violations.  
18 For each violation by an inmate, any part or all of the good time  
19 that has been granted to the inmate may be forfeited and revoked by  
20 the administrator of the regional jail facility. The  
21 administrator, when appropriate and with approval of the executive  
22 director may restore any good time forfeited for a violation of the  
23 rules promulgated or adopted pursuant to this subsection.

24 (h) Each inmate sentenced to a term of confinement in a  
25 regional jail in excess of six months shall, within seventy-two  
26 hours of being received into a regional jail, be given a copy of  
27 the disciplinary rules, a statement setting forth the term or  
28 length of his or her sentence or sentences, and the time of his or

1 her minimum discharge.