

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 279**

4 (By Senators Foster, Unger, D. Facemire, Minard and Klempa)

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6 [Originating in the Committee on the Judiciary;

7 reported February 22, 2011.]

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11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new section, designated §25-1-23, relating to
13 work camps for nonviolent offenders; authorizing the
14 establishment of work camps for that purpose; providing
15 definitions; determining eligibility standards; requiring
16 policy be developed; and providing for judicial
17 recommendations.

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

19 That the Code of West Virginia, 1931, as amended, be amended
20 by adding thereto a new section, designated §25-1-23, to read as
21 follows:

22 **ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.**

23 **§25-1-23. WORK CAMPS.**

24 (a) The purpose of this section is to establish a program of
25 work camps that will encourage work camp inmates to become

1 responsible, productive citizens by providing academic education,
2 social skills, education, physical wellness program, self-
3 discipline programs, substance abuse treatment and vocational
4 education and counseling. It is the aim of the Legislature that
5 such a program will create a more positive environment for both
6 inmates and correctional employees who operate the work camp; and
7 that will reduce the recidivism rate of persons so incarcerated.

8 (b) The Commissioner of the Division of Corrections is hereby
9 authorized to establish a program of work camps that may be used
10 for eligible offenders who are sentenced to serve a term of
11 imprisonment under the custody of the commissioner of corrections
12 and whom the commissioner may permit to serve all or a part of his
13 or her sentence as a sentence to work camp in accordance with this
14 article.

15 (c) As used in this article, unless the context clearly
16 requires a different meaning, the term:

17 (1) "Commissioner" means the Commissioner of the Division of
18 Corrections;

19 (2) "Division" means Division of Corrections; and

20 (3) "Eligible offender" means eligible offender as defined in
21 subsection (d) of this article.

22 (d) Appropriate inmates, regardless of age, may participate in
23 the work camp program in accordance with the following criteria:

24 (1) One who is medically, physically and psychologically fit
25 to complete the essential features of the program;

26 (2) One who volunteers for the program;

1 (3) One who meets the criteria set forth in policy by the
2 Division of Corrections to reside within and otherwise participate
3 in such work camp program; and

4 (4) One who has been approved for participation in the program
5 by the Commissioner or his or her designee.

6 (e) The circuit court of conviction may recommend that a
7 person be admitted or excluded from participation in the state work
8 camp program. The commissioner, pursuant to Division of
9 Corrections' Policy, may in his or her discretion, direct placement
10 of an inmate in a work camp program.

11 (f) Any placement in the work camp shall be subject to the
12 extent funding is available or appropriated and subject to the
13 availability of space in the work camp: *Provided*, That this
14 section does not give any court the power to hold the Division of
15 Corrections or any officer or employee of the division in contempt
16 of court for failure to adhere to a circuit court recommendation
17 that a person be placed in the state work camp program if space or
18 funding is unavailable or the inmate is not eligible under Division
19 of Corrections' Policy.

20 (g) The Division of Corrections shall issue a Policy
21 Directive, pursuant to Section Five of Article One of this Chapter,
22 for such work camps.

(NOTE: This section is new; therefore, strike-throughs and underscoring have been omitted.)