

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 517**

5 (SENATORS K. FACEMYER AND UNGER, *original sponsors*)

6 _____
7 [Passed March 10, 2012; in effect ninety days from passage.]
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12 AN ACT to amend and reenact §62-11C-5 of the Code of West Virginia,
13 1931, as amended, relating to creating community
14 beautification and reclamation programs for state highways,
15 municipal, county and state parks and recreation areas and
16 community gardens through the West Virginia Community
17 Corrections Act.

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

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

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

22 **§62-11C-5. Establishment of programs.**

23 (a) Any county or combination of counties or a county or
24 counties and a Class I or II municipality may establish and operate
25 community corrections programs, as provided for in this section, to

1 be used both prior to trial as a condition of bond in circuit and
2 magistrate court, as well as an alternative sentencing option for
3 those offenders sentenced within the jurisdiction of the county or
4 counties which establish and operate the program: *Provided*, That
5 the chief judge must certify that the community corrections
6 facility is available for use in connection with the imposition of
7 pretrial bond conditions.

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

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

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

26 (1) Probation supervision programs;

- 1 (2) Day fine programs;
- 2 (3) Community service restitution programs;
- 3 (4) Home incarceration programs;
- 4 (5) Substance abuse treatment programs;
- 5 (6) Sex offender containment programs;
- 6 (7) Licensed domestic violence offender treatment programs;
- 7 (8) Day reporting centers;
- 8 (9) Educational or counseling programs;
- 9 (10) Drug courts; or
- 10 (11) Community beautification and reclamation programs for
- 11 state highways, municipal, county and state parks and recreation
- 12 areas, and community gardens.

13 (e) A county or combination of counties or a county or
14 counties and a Class I or II municipality which establish and
15 operate community corrections programs as provided for in this
16 section may contract with other counties to provide community
17 corrections services.

18 (f) For purposes of this section, the phrase "may be sentenced
19 to a period of incarceration" means that the statute defining the
20 offense provides for a period of incarceration as a possible
21 penalty.

22 (g) No provision of this article may be construed to allow a
23 person participating in or under the supervision of a community
24 corrections program to earn "good time" or any other reduction in
25 sentence.