WEST VIRGINIA LEGISLATURE

EIGHTY-FIRST LEGISLATURE REGULAR SESSION, 2013

ENROLLED Senate Bill No. 423

(By Senators Laird, Kirkendoll, Stollings, Kessler (Mr. President), Cookman and Plymale)

[Passed April 13, 2013; in effect ninety days from passage.]

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(BY SENATORS LAIRD, KIRKENDOLL, STOLLINGS, KESSLER (MR. PRESIDENT), COOKMAN AND PLYMALE)

[Passed April 13, 2013; in effect ninety days from passage.]

AN ACT to amend and reenact §31-20-5d of the Code of West Virginia, 1931, as amended, relating to providing persons convicted of a criminal offense and sentenced to a six-month confinement in a regional jail a reduction in sentence for successful completion of education and rehabilitation programs.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY.

§31-20-5d. Good-time credit.

- 1 (a) Any person convicted of a criminal offense and
- 2 sentenced to confinement in a regional jail is to be granted
- 3 reduction of his or her sentence for good conduct in
- 4 accordance with this section.
- 5 (b) The reduction of sentence or good time is to be
- 6 deducted from the fixed term of determinate sentences. An
- 7 inmate under two or more consecutive sentences is allowed

- 8 good time as if the several sentences, when the maximum
- 9 terms thereof are added together, were all one sentence.
- (c) Every inmate sentenced to a regional jail for a term of confinement exceeding six months who, in the judgment of the administrator of the regional jail facility, faithfully complies with all rules of the regional jail during his or her term of confinement is entitled to a deduction of five days from each month of his or her sentence. No inmate may be granted any good time under the provisions of this section for time spent on bond or for time served on parole or in any other status in which he or she is not physically incarcerated.
 - (d) Each inmate sentenced to a term of confinement in a regional jail facility who participates in a general equivalency diploma program is to be granted three days of good time for the completion of each educational literacy level, as demonstrated by achieving a passing score on standardized tests required by the Department of Education, and ten days of good time for completion of the requirements for a general equivalency diploma or high school diploma.
 - (e) An inmate sentenced to a term of confinement in a regional jail for a period of six months or more, shall be granted five days of good time for the successful completion of any of the following rehabilitation programs: Domestic violence, parenting, substance abuse, life skills, alcohol abuse, anger management or any special rehabilitation or educational program designated by the executive director. Good time credit pursuant to this subsection is cumulative, however an inmate is eligible for a maximum of thirty days good time credit for the successful completion of rehabilitation programs authorized by this subsection. The fee for each class is \$25 which is due upon enrollment. If an inmate is unable to pay a fee or fees in full at the time of enrollment, it may be paid by deductions from his or her

- 41 inmate trust account, subject to the provisions of subsection
- 42 (f), section thirty-one of this article. No more than one half
- 43 of the amount in the inmate trust account during any one-
- 44 week period may be so deducted.

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- 45 (f) The administrator of a regional jail facility may, with 46 the approval of the Governor, allow extra good time for 47 inmates who perform exceptional work or service.
- 48 (g) The Regional Jail and Correctional Facility Authority 49 shall promulgate disciplinary rules for the regional jail 50 The rules are to describe prohibited acts, 51 procedures for charging individual inmates for violations of 52 the rules and for determining the guilt or innocence of 53 inmates charged with the violations and sanctions that may be 54 imposed for the violations. For each violation by an inmate, 55 any part or all of the good time that has been granted to the 56 inmate may be forfeited and revoked by the administrator of 57 the regional jail facility. The administrator, when appropriate 58 and with approval of the executive director, may restore any 59 good time forfeited for a violation of the rules promulgated 60 or adopted pursuant to this subsection.
 - (h) Each inmate sentenced to a term of confinement in a regional jail in excess of six months shall, within seventy-two hours of being received into a regional jail, be given a copy of the disciplinary rules, a statement setting forth the term or length of his or her sentence or sentences and the time of his or her minimum discharge.

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

Chairman Senate Committee
Chairman House Committee
Originated in the Senate.
In effect ninety days from passage.
Clerk of the Senate
Clerk of the House of Delegates
President of the Senate
Speaker of the House of Delegates
The within this the
Day of, 2013.
Governor