

# Senate Bill No. 423

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

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[Introduced March 4, 2013;  
referred to the Committee on the Judiciary.]

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A BILL 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.

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

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

27 (e) Each inmate sentenced to a term of confinement in a  
28 regional jail ~~in excess~~ of six months or more shall be granted  
29 five days of good time for successful completion for each of  
30 the following rehabilitation programs: Domestic violence,  
31 parenting, substance abuse, life skills, alcohol abuse and  
32 anger management or any special rehabilitation or  
33 educational program designated by the executive director. A  
34 maximum of thirty days good time shall be granted for  
35 successful completion of all six programs. The fee for each  
36 class is \$25 which is due upon enrollment. If an inmate is  
37 unable to pay a fee or fees in full at the time of enrollment, it

38 may be paid by deductions from his or her inmate trust  
39 account, subject to the provisions of subsection (f), section  
40 thirty-one of this article. No more than one half of the  
41 amount in the inmate trust account during any one-week  
42 period may be so deducted.

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

46 (g) The Regional Jail and Correctional Facility Authority  
47 shall promulgate disciplinary rules for the regional jail  
48 facilities. The rules are to describe prohibited acts,  
49 procedures for charging individual inmates for violations of  
50 the rules and for determining the guilt or innocence of  
51 inmates charged with the violations and sanctions that may  
52 be imposed for the violations. For each violation by an  
53 inmate, any part or all of the good time that has been granted  
54 to the inmate may be forfeited and revoked by the  
55 administrator of the regional jail facility. The administrator,  
56 when appropriate and with approval of the executive director,

57 may restore any good time forfeited for a violation of the  
58 rules promulgated or adopted pursuant to this subsection.

59 (h) Each inmate sentenced to a term of confinement in a  
60 regional jail in excess of six months shall, within seventy-two  
61 hours of being received into a regional jail, be given a copy  
62 of the disciplinary rules, a statement setting forth the term or  
63 length of his or her sentence or sentences and the time of his  
64 or her minimum discharge.

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(NOTE: The purpose of this bill is to include those sentenced to six months in regional jails to be eligible for good time credit.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)