

# Senate Bill No. 457

(By Senators Cookman, Miller, Laird, Plymale, Kessler (Mr. President), Tucker and Snyder)

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[Introduced January 31, 2014; referred to the Committee on the Judiciary; and then to the Committee on Finance.]

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A BILL to amend and reenact §31-20-5h of the Code of West Virginia, 1931, as amended, relating to programs for inmates committed to state correctional facilities; requiring programs offered in regional jails to be the same as those offered in a Division of Corrections facility; requiring Division of Corrections employees or designees of the Commissioner of Corrections to provide said courses and classes; and authorizing the Regional Jail and Correctional Facility Authority and Division of Corrections to agree to designate certain facilities where said classes and programs are to be provided.

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

That §31-20-5h 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.**

**§31-20-5h. Programs for inmates committed to prison.**

1       (a) The Division of Corrections may develop and  
2       implement a cognitive behavioral program to address the  
3       needs of inmates detained in a regional jail, but committed  
4       to the custody of the Commissioner of Corrections. The  
5       program shall be developed in consultation with the  
6       Regional Jail and Correctional Facility Authority, and may  
7       be offered by video teleconference or webinar technology.  
8       The costs of the program shall be paid out of funds  
9       appropriated to the Division of Corrections. The program  
10      shall be covered by the rehabilitation plan policies and  
11      procedures adopted by the Division of Corrections under  
12      subsection (h), section thirteen, article twelve, chapter  
13      sixty-two of this code.

14       (b) In addition to the program established in subsection  
15       (a) of this section, the Division of Corrections shall make  
16       available to each inmate in the custody of the commissioner  
17       being detained in a regional jail facility prior to transfer to a  
18       Division of Corrections facility such program and classes as  
19       are determined by the risk and needs assessment mandated by  
20       section thirteen, article twelve, chapter sixty-two of this code  
21       necessary to prepare the inmate for parole. The programming  
22       and courses shall be provided by the Division of Corrections  
23       personnel or designees of the commissioner.

24       (c) The Regional Jail and Correctional Facility Authority  
25       shall provide at each of its facilities or, if such can be agreed  
26       to by the Regional Jail and Correctional Facility Authority  
27       and the Commissioner of Corrections, certain agreed to  
28       facilities, such space and equipment as is necessary to  
29       effectuate the purposes of this section.

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(NOTE: The purpose of this bill is to require that inmates in a regional jail, but committed to the custody of the Commissioner of Corrections, have available the same classes and programs that are offered in Division of Corrections facilities.

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