

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4716**

BY DELEGATES MILLER AND SOBONYA

[Introduced February 23, 2016; Referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §62-12-30, relating to requiring community corrections performance  
 3 measurement standards for agencies responsible for supervising individuals placed on  
 4 probation, serving a period of parole or post-incarceration supervision after jail; defining  
 5 terms; and requiring reports.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §62-12-30, to read as follows:

**ARTICLE 12. PROBATION AND PAROLE.**

**§62-12-30. Community corrections performance measurement.**

1 (a) In this section:

2 (1) "Agency" means:

3 (A) The Division of Probation Services or any state agency responsible for supervising  
 4 individuals placed on probation by the courts or serving a period of parole or post-incarceration  
 5 supervision after jail; and

6 (B) Any regional, county or local government agencies responsible for supervising  
 7 individuals placed on probation by the courts or serving a period of parole or post-incarceration  
 8 supervision after jail, if the agencies receive state funding.

9 (2) "Community supervision" means:

10 (A) The placement of an individual under supervision in the community by a court for a  
 11 specified period with conditions imposed, as a result of either a conviction and sentence to  
 12 probation, or the suspension of criminal proceedings without an adjudication of guilt; or

13 (B) The placement of an individual released from jail under supervision in the community  
 14 for a specified period with conditions imposed by the releasing authority.

15 (3) "Controlled substances" means drugs and other illicit substances whose possession  
 16 and use is controlled or regulated by the state.

17 (4) "Employment" means that the supervised individual is employed:

18 (A) Full time, more than twenty hours per week, at legitimate employment; or

19 (B) Part time, less than twenty hours per week, at legitimate employment.

20 (5) "Key performance indicator" means a measure that captures agency performance on  
21 critical variables that are central to the accomplishment of the agency mission and goals.

22 (6) "Performance measurement system" means a systematic method of identifying,  
23 recording, compiling, analyzing, reporting and applying information about an agency's activities  
24 and accomplishments, for both internal management purposes and for accounting to supervising  
25 and oversight agencies, legislative and executive bodies, constituents and stakeholders and the  
26 public.

27 (7) "Recidivism" means:

28 (A) The arrest of a supervised individual for a new offense while under community  
29 supervision;

30 (B) The conviction of a supervised individual for a new offense while under community  
31 supervision; or

32 (C) The adjudication of a supervised individual for violation of the conditions of supervision  
33 while under community supervision.

34 (8) "Status of discharge from supervision" means the status of supervised individuals when  
35 they were removed from supervision. A successful discharge is one in which the supervised  
36 individual is removed from supervision at the end of the term or prior to the end of the term, having  
37 fully or substantially completed the requirements of supervision. An unsuccessful discharge is  
38 when the supervised individual is removed from supervision through revocation for violation of  
39 the conditions of supervision or for a new offense.

40 (9) "Substance abuse testing" means the administration of quantitative tests using urine,  
41 saliva or other approved methods to detect the use of controlled substances by supervised  
42 individuals.

43 (10) "Supervised individual" means an individual placed on supervision or probation by a  
44 court or serving a period of parole or post-incarceration supervision following jail.

45 (11) "Victim protection" means compliance with "no contact" orders by the supervised  
46 individual.

47 (12) "Victim restitution" means court-ordered financial payments to the victim of a crime  
48 by the supervised individual for compensation of damage or loss.

49 (b) (1) The agency shall develop and implement a performance measurement system  
50 within one year of the effective date of this section.

51 (2) The performance measurement system shall include, at a minimum, information on the  
52 following key performance indicators:

53 (A) Recidivism of supervised individuals;

54 (B) Employment of supervised individuals;

55 (C) Substance use by supervised individuals;

56 (D) Victim restitution paid by supervised individuals;

57 (E) Compliance with "no contact" orders by supervised individuals; and

58 (F) Status of discharge from supervision.

59 (3) The performance measures should be formatted and reported consistent with the  
60 following outcome measures prescribed in the Performance Based Standards for Adult Probation  
61 and Parole Field Services (4th edition) published by the American Correctional Association:

62 (A) Recidivism - Performance Standard 1A, Outcome Measures 1 and 2, and Performance  
63 Standards 2B, Outcome Measures 1, 2 and 3;

64 (B) Employment - Performance Standard 2D, Outcome Measures 1 and 2;

65 (C) Substance Use - Performance Standard 2D, Outcome Measure 3;

66 (D) Victim Restitution - Performance Standard 2E, Outcome Measures 2, 3 and 4;

67 (E) Victim Protection - Performance Standard 2E, Outcome Measure 1;

68 (F) Status of Discharge from Supervision - Performance Standard 2A, Outcome Measure.

69 1.

70 (4) The agency shall ensure that accurate, reliable and complete records are maintained  
71 on the key performance indicators.

72 (5) The agency shall report on agency performance on the key performance indicators at  
73 least annually to supervising and oversight agencies, legislative and executive bodies,  
74 constituents and stakeholders and the public.

75 (6) The agency shall use information on the key performance indicators for agency  
76 management purposes, reporting and reviewing performance on no less than a monthly basis.

NOTE: The purpose of this bill is to require community corrections performance measurement standards for agencies responsible for supervising individuals placed on probation, serving a period of parole or post-incarceration supervision after jail. The bill defines terms and requires reports.

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