

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

Introduced

### House Bill 2504

FISCAL  
NOTE

BY DELEGATES GEARHEART, MANDT, STORCH, B. WARD,

PACK, FERRELL, HAYNES, AND KIMES

[Introduced February 15, 2021; 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 article,  
 2 designated §62-11G-1, §62-11G-2, §62-11G-3, §62-11G-4, §62-11G-5, §62-11G-6, and  
 3 §62-11G-7, all relating to creating a pilot work/incarceration prison; providing a short title;  
 4 specifying offenders who are eligible to participate; establishing one work/incarceration  
 5 prison; authorizing the Division of Corrections to propose rules for the operation and  
 6 reporting of the work/incarceration prison; allowing a reduction in the sentence of an  
 7 offender sentenced to the work/incarceration prison; providing that a serious violation of  
 8 the rules result in an additional sentence; specifying a suggested appropriation; allowing  
 9 the admittance of offenders from other counties; and requiring the evaluation of the  
 10 work/incarceration prison.

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

**ARTICLE 11G. WORK/INCARCERATION ACT (PILOT).**

**§62-11G-1. Short title.**

1 This article may be cited as the “Work/Incarceration Act.”

**§62-11G-2. Application.**

1 This article applies to adult offenders that have not been convicted of a crime of violence  
 2 or sex-related offense. The article also applies only to offenders sentenced to two years’  
 3 incarceration or less.

**§62-11G-3. Limitations.**

1 This article allows one county to receive approval to establish a work/incarceration prison.  
 2 Those counties interested in establishing such a facility shall develop a plan and submit the plan  
 3 to the Division of Corrections for review and approval. The Division of Corrections shall propose  
 4 rules of operation and reporting for this work/incarceration prison for legislative approval in  
 5 accordance with §29A-3-1 et seq. of this code.

**§62-11G-4. Eligible offenders.**

1           (a) An eligible offender is any person meeting the application standards set forth in §62-  
2 11G-2 of this code, who is sentenced to the work/incarceration prison by a magistrate or a circuit  
3 judge. Offenders are eligible for a 20 percent reduction in sentence for participation in the  
4 work/incarceration program but shall maintain complete adherence to rules of conduct as  
5 established by the Division of Corrections.

6           (b) An offender sentenced to the work/incarceration prison by a magistrate or circuit judge,  
7 who commits any serious violation of the rules of conduct as established by the Division of  
8 Corrections and Rehabilitation, shall be transferred to a correctional facility with an additional year  
9 added to that offender's original sentence.

10           (c) The work/incarceration prison superintendent may reject any offender from admittance  
11 and may remove any offender from the work/incarceration prison population for cause, as  
12 established by rules established by the Division of Corrections and Rehabilitation. If admittance  
13 is disallowed or if the offender is removed, alternative sentencing shall be provided by the proper  
14 judicial authority.

**§62-11G-5. Suggested appropriation.**

1           The Legislature may appropriate \$500,000 to the county establishing the initial  
2 work/incarceration prison for the initial expense of establishment of the work/incarceration prison.  
3 The plan submitted to the Division of Corrections and Rehabilitation for approval, as provided in  
4 §62-11G-3 of this code, shall include means and methods of making the work/incarceration prison  
5 self-sustaining using work product and service from the offenders in the work/incarceration prison.

**§62-11G-6. Admittance of offenders from other counties.**

1           The county establishing the work/incarceration prison may allow at its option offenders  
2 from other counties to be incarcerated and may charge a fee equal to 50 percent of that charged  
3 by the Regional Jail and Correctional Facility Authority to house prisoners.

**§62-11G-7. Evaluation.**

1           The Division of Corrections and Rehabilitation shall monitor and evaluate the

- 2 work/incarceration prison to determine effectiveness, efficiency, and potential for expansion into
- 3 other counties and report to the Legislature annually.

NOTE: The purpose of this bill is to create a Work/Incarceration Prison pilot program. The bill establishes guidelines for what offenders may be sentenced to the program. The bill provides for the establishment of one work/incarceration prison. The bill further provides that the Division of Corrections shall propose rules of operation and reporting. The bill provides that an offender sentenced to the work/incarceration prison is eligible for a reduction in their sentence. The bill also provides that an offender who is sentenced to the work/incarceration prison but commits a serious violation of the rules shall be sent to a correctional facility and have an additional year added on to their original sentence. The bill provides for an appropriation from the Legislature for the establishment of the work/incarceration prison. The bill also allows for offenders from other counties to be accepted into the work/incarceration prison. The bill further provides for an annual evaluation of the work/incarceration prison to be submitted to the Legislature

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