WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4671

FISCAL NOTE

By Delegate Gearheart

[Introduced January 12, 2024; Referred to the Committee on Jails and Prisons then the Judiciary]

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A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-11G-1, §62-11G-2, §62-11G-3, §62-11G-4, §62-11G-5, §62-11G-6, and §62-11G-7, all relating to creating a pilot work/incarceration prison; providing a short title; specifying offenders who are eligible to participate; establishing one work/incarceration prison; authorizing the Division of Corrections to propose rules for the operation and reporting of the work/incarceration prison; allowing a reduction in the sentence of an offender sentenced to the work/incarceration prison; providing that a serious violation of the rules result in an additional sentence; specifying a suggested appropriation; allowing the admittance of offenders from other counties; and requiring the evaluation of the work/incarceration prison.

Be it enacted by the Legislature of West Virginia:

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	ARTICLE 11G.	WORK/INCARCERATION	ACT	(PILOT).
	<u>§62-11G-1.</u>	Short		title.
1	This article may b	e cited as the "Work/Incarceration Act."		
	§62-11G-2.			Application.
1	This article applies	s to adult offenders that have not been convicte	ed of a crime o	of violence or
2	sex-related offense. Ti	ne 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/incarce	ration prison.
2	Those counties interested	l in establishing such a facility shall develop a p	olan and subn	nit the plan to
3	the Division of Correction	ns for review and approval. The Division of	Corrections s	shall propose
4	rules of operation and r	eporting for this work/incarceration prison f	ior legislative	approval in
5	accordance with §29A-3-	1 et seq. of this code.		
	§62-11G-4.	Eligible		offenders.

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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 is
13	disallowed or if the offender is removed, alternative sentencing shall be provided by the proper
14	judicial authority.
14	<u>judicial authority.</u> <u>§62-11G-5.</u> Suggested appropriation.
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	§62-11G-5. Suggested appropriation.
1	<u>Sec-11G-5.</u> Suggested appropriation. The Legislature may appropriate \$500,000 to the county establishing the initial
1 2	<u>Suggested</u> appropriation. The Legislature may appropriate \$500,000 to the county establishing the initial work/incarceration prison for the initial expense of establishment of the work/incarceration prison.
1 2 3	<u>Sec-11G-5.</u> Suggested appropriation. The Legislature may appropriate \$500,000 to the county establishing the initial work/incarceration prison for the initial expense of establishment of the work/incarceration prison. The plan submitted to the Division of Corrections and Rehabilitation for approval, as provided in
1 2 3 4	Suggested appropriation. The Legislature may appropriate \$500,000 to the county establishing the initial work/incarceration prison for the initial expense of establishment of the work/incarceration prison. The plan submitted to the Division of Corrections and Rehabilitation for approval, as provided in §62-11G-3 of this code, shall include means and methods of making the work/incarceration prison.
1 2 3 4	Suggested appropriation. The Legislature may appropriate \$500,000 to the county establishing the initial work/incarceration prison for the initial expense of establishment of the work/incarceration prison. The plan submitted to the Division of Corrections and Rehabilitation for approval, as provided in \$62-11G-3 of this code, shall include means and methods of making the work/incarceration prison self-sustaining using work product and service from the offenders in the work/incarceration prison.
1 2 3 4 5	Suggested appropriation. The Legislature may appropriate \$500,000 to the county establishing the initial work/incarceration prison for the initial expense of establishment of the work/incarceration prison. The plan submitted to the Division of Corrections and Rehabilitation for approval, as provided in \$62-11G-3 of this code, shall include means and methods of making the work/incarceration prison self-sustaining using work product and service from the offenders in the work/incarceration prison. \$62-11G-6. Admittance of offenders from other counties.
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- 2 work/incarceration prison to determine effectiveness, efficiency, and potential for expansion into
- 3 <u>other counties and report to the Legislature annually.</u>

NOTE: The purpose of this bill is to create a Work/Incarceration Prison pilot program; to establish guidelines for eligibility; creates one prison; authorizes the Division of Corrections to propose rules; provides sentence reduction to an offender sentenced to the work/incarceration prison; provides that an offender who commits a violation of the rules be sent to a correctional facility and have an additional year added on to their original sentence; provides guideline for appropriation; allows offenders from other counties be accepted to the work/incarceration prison; and 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.

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