WEST VIRGINIA LEGISLATURE 2024 REGULAR SESSION

Introduced

House Bill 5636

By Delegate Lewis

[Introduced February 12, 2024; Referred to the

Committee on Jails and Prisons then the Judiciary]

Intr HB 2024R3902

A BILL to amend and reenact §15A-4A-1, §15A-4A-3, §15A-4A-4, and §15A-4A-5 of the Code of West Virginia, 1931, as amended; and to further amend said code by repealing §15A-4A-7, all relating to facilitating the successful transitioning of offenders back into society; establishing a statewide work release program; and requiring certain offenders to develop and complete a program to facilitate his or her successful transition back into society.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4A. EXPANDED WORK RELEASE PILOT PROGRAM FACILITATION OF CRIMINAL OFFENDER'S SUCCESSFUL RETURN TO SOCIETY.

§15A-4A-1. Purpose of article and legislative findings.

- (a) The purpose of this article is to establish an expanded required work release pilot program to create pathways for offenders to have successful reentry into society and reduce recidivism by offenders. in no more than five locations in this state.
- (b) The Legislature finds that the primary reasons for requiring participation in a work release program and other programs that are designed are to increase public protection while aiding the transition of the offender back into the community where he or she will be going with or without work release program participation. Participating in work release, receiving drug, physiological counseling, and job training all to may reduce the likelihood of recidivism by gradually reintroducing an offender to the community and address issues that caused or facilitated the offender's conduct that resulted in imprisonment, while providing security, structure, and supervision and providing necessary services.
- (c) The Legislature further finds that participation in a work release program and conditioning release on receipt and completion of counseling and other services that prepares the offender for release and provides a transitional environment for offenders nearing the end of their sentences while maintaining structure, supervision, offender accountability, improved program opportunities, employment counseling and placement, substance abuse, and life skills training.

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§15A-4A-3. Expanded work release pilot program Work release program.

1	The Commissioner of the Division of Corrections and Rehabilitation is hereby authorized to
2	establish a pilot program expanding available of work release facilities to no more than a total of
3	five locations be used for eligible offenders who are sentenced to serve a term of imprisonment in
4	the custody of the commissioner and whom the commissioner requires to serve the last portion of
5	their sentences in a work release facility in accordance with this article.
	§15A-4A-4. Eligibility. Funding
1	(a) An offender is eligible to participate in the work release program if he or she:
2	(1) Is 18 years of age or older;
3	(2) Is physically and psychologically able, as determined by the commissioner, to
4	participate in the program: Provided, That offenders with medical conditions or disabilities shall be
5	eligible for work release placement.
6	(3) Is directed by the Commissioner of Corrections to participate in the work release
7	program; and
8	(4) Meets other criteria as the commissioner of the Division of Corrections and
9	Rehabilitation may direct.
10	(b) The expansion of work release authorized by this article is subject to funds being
11	appropriated by the Legislature therefor or appropriated funds being redirected thereto
12	(b) Any eligible offender who has been incarcerated for five or more years, shall enter into
13	work release prior to their parole eligibility date.
	§15A-4A-5. Limitations on eligibility for work release participation.
1	(a) The following persons may not participate in the work release program:
2	(1) An offender who requires inpatient psychological or psychiatric treatment;
3	(2) An offender who refuses to participate in the Offender Financial Responsibility
4	Program;

(3) An offender who refuses to participate in the Institution Release Preparation Program;

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(4) An offender determined by the commissioner, in his or her sole discretion, to pose a threat to the safety of another or to the community or to be an otherwise inappropriate candidate for participation in the program.

(b) An offender who has been incarcerated for five or more years who has reached his or her parole eligibility date who is not eligible for work release, shall as part of their home plan, enter a substance use disorder program, behavioral health programing, or other type of reentry program, which may be either inpatient or out-patient. The offender shall successfully complete the program as a condition of their parole.

§15A-4A-7. Funding and financial implications.

NOTE: The purpose of this bill is to establish a state-wide work release program for all offenders to facilitate their successful transition back into society; and to require that every eligible offender incarcerated five years participate in work release, or if not eligible for work release, to enter into and complete a reentry plan as a condition of his or her parole.

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