

No. 1822

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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

Com. Sub. for
HOUSE BILL No. 1822

(By Mr. Del. Niedelbusch)



Passed March 10, 1984

In Effect From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1822
(By DELEGATE WIEDEBUSCH)

[Passed March 10, 1984; in effect from passage.]

AN ACT to repeal sections twenty-seven-a, twenty-seven-b and twenty-eight, article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section twenty-seven of said article, relating to commutation of prison sentences for good conduct, hereinafter referred to as "good time"; the manner of computing the time by which sentences are to be reduced or commuted; certain exceptions with respect to persons and types of sentences to which section would not apply; requiring the commissioner of corrections to promulgate disciplinary rules and procedures for determining infractions thereof; requiring that each inmate be given a copy thereof; the forfeiture or revocation of such time and for the reinstatement thereof in certain cases; requiring that inmates be informed as to their earliest eligible date of discharge pursuant to said section and a revised statement thereof in the case of such forfeiture or revocation; permitting extra good time in certain cases, with the approval of the governor; restoring all good time to inmates which had been previously forfeited or revoked and voiding all previously earned good time and granting such good time to all inmates according to said section; allowing certain previously earned good time to be retained in certain cases; and limiting

future good time to be earned only in accordance with said section.

Be it enacted by the Legislature of West Virginia:

That sections twenty-seven-a, twenty-seven-b and twenty-eight, article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section twenty-seven of said article be amended and reenacted to read as follows:

ARTICLE 5. THE PENITENTIARY.

§28-5-27. Deduction from sentence for good conduct.

1 (a) All adult inmates now in the custody of the commis-
2 sioner of corrections, or hereafter committed to the custody of
3 the commissioner of corrections, except those committed pur-
4 suant to article four, chapter twenty-five of this code, shall be
5 granted commutation from their sentences for good conduct
6 in accordance with this section.

7 (b) Such commutation of sentence, hereinafter called "good
8 time," shall be deducted from the maximum term of indeter-
9 minate sentences or from the fixed term of determinate sen-
10 tences.

11 (c) Each inmate committed to the custody of the commis-
12 sioner of corrections and incarcerated in a penal facility pur-
13 suant to such commitment shall be granted one day good time
14 for each day he or she is incarcerated, including any and all
15 days in jail awaiting sentence and which is credited by the
16 sentencing court to his or her sentence pursuant to section
17 twenty-four, article eleven, chapter sixty-one of this code or
18 for any other reason relating to such commitment. No in-
19 mate may be granted any good time for time served either on
20 parole or bond or in any other status whereby he or she is not
21 physically incarcerated.

22 (d) No inmate sentenced to serve a life sentence shall be
23 eligible to earn or receive any good time pursuant to this
24 section.

25 (e) An inmate under two or more consecutive sentences
26 shall be allowed good time as if the several sentences, when

27 the maximum terms thereof are added together, were all one
28 sentence.

29 (f) The commissioner of corrections shall promulgate sepa-
30 rate disciplinary rules for each institution under his control in
31 which adult felons are incarcerated, which rules shall de-
32 scribe acts which inmates are prohibited from committing, pro-
33 cedures for charging individual inmates for violation of such
34 rules and for determining the guilt or innocence of inmates
35 charged with such violations and the sanctions which may be
36 imposed for such violations. A copy of such rules shall be
37 given to each inmate. For each such violations, by an inmate
38 so sanctioned, any part or all of the good time which has been
39 granted to such inmate pursuant to this section may be for-
40 feited and revoked by the warden or superintendent of the in-
41 stitution in which the violation occurred. The warden or sup-
42 erintendent, when appropriate and with approval of the com-
43 missioner, may restore any good time so forfeited.

44 (g) Each inmate, upon his or her commitment to and being
45 received into the custody of the commissioner or the depart-
46 ment of corrections, or upon his return to custody as the result
47 of violation of parole pursuant to section nineteen, article
48 twelve, chapter sixty-two of this code, shall be given a state-
49 ment setting forth the term or length of his or her sentence or
50 sentences and the time of his minimum discharge computed
51 according to this section.

52 (h) Each inmate shall be given a revision of the statement
53 described in subsection (g) if and when any part or all of the
54 good time has been forfeited and revoked or restored pursuant
55 to subsection (f) whereby the time of his or her earliest dis-
56 charge is changed.

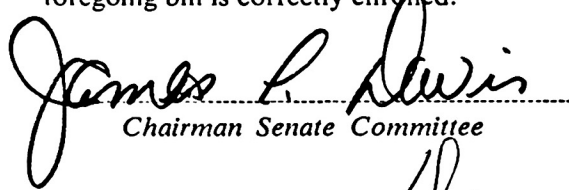
57 (i) The commissioner of corrections may, with the approval
58 of the governor, allow extra good time for inmates who per-
59 form exceptional work or service.

60 (j) In order to ensure equitable good time for all inmates
61 now in the custody of the commissioner of corrections or here-
62 after committed to the custody of such commissioner, except
63 as to those persons committed pursuant to article four, chapter

64 twenty-five of this code, all good times shall be computed ac-
65 cording to this section and all previous computations of good
66 time under prior statutes or regulations are hereby voided. All
67 inmates who have previously forfeited good time are hereby
68 restored to good time computed according to this section and
69 all inmates will receive a new discharge date computed ac-
70 cording to this section. All inmates that have been awarded
71 overtime good time or extra good time pursuant to sections
72 twenty-seven-a and twenty-seven-b of this article which are
73 repealed simultaneously with the amendment to this section
74 during the regular session of the Legislature in the year one
75 thousand nine hundred eighty-four, shall receive such good time
76 in addition to the good time computed according to this sec-
77 tion.

78 (k) There shall be no grants or accumulations of good
79 time or credit to any inmate now or hereafter serving a
80 sentence in the custody of the department of corrections ex-
81 cept in the manner provided in this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee


Chairman House Committee

Originating in the House.

Takes effect from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 30
day of March, 1984.


Governor

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SECY. OF STATE