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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



ENROLLED

SENATE BILL NO. 6006

(By Senator LOVE, ET AL)



PASSED MARCH 11, 1999

In Effect NINETY DAYS FROM Passage

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

ENROLLED

Senate Bill No. 606

(BY SENATORS LOVE, SCHOONOVER, HELMICK AND ROSS)

[Passed March 11, 1999; in effect ninety days from passage.]

AN ACT to repeal section five, article four, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections one, two, three, four, six, seven, eight, nine and ten of said article, all relating to the operation of centers for housing young adult offenders.

Be it enacted by the Legislature of West Virginia:

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article four, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections one, two, three, four, six, seven, eight, nine and ten of said article, be amended and reenacted, all to read as follows:

ARTICLE 4. CENTERS FOR HOUSING YOUNG ADULT OFFENDERS.

§25-4-1. Purpose of article.

- 1 The purpose of this article is to provide appropriate
- 2 facilities for the housing of young adult offenders con-

3 victed of or pleading guilty to violation of law before
4 courts with original jurisdiction, who are amenable to
5 discipline other than in close confinement, and to give
6 better opportunity to young adult offenders for reforma-
7 tion and encouragement of self-discipline.

§25-4-2. Establishment of centers.

1 The West Virginia commissioner of corrections is
2 authorized to establish, operate and maintain centers to be
3 operated in connection with the state correctional system
4 as provided in this article.

§25-4-3. Authority of commissioner of corrections.

1 The West Virginia commissioner of corrections has the
2 authority to acquire land and other property by purchase,
3 grant, gift or otherwise in connection with the establish-
4 ment of centers and to construct buildings, fences and
5 other facilities, and to acquire personal property necessary
6 for the maintenance and operation of the centers; to direct
7 all needed improvements and repairs necessary for the
8 proper upkeep of the centers, and to provide for the
9 necessary food, medical treatment and safekeeping of
10 persons confined in the centers; and to employ personnel
11 to operate the centers and to provide the necessary work
12 and other programs for the offenders assigned to the
13 centers.

§25-4-4. Warden.

1 Each center shall be under the direction of a warden,
2 who shall have the minimum qualification of a college
3 degree with a major in criminal justice or a related field.
4 The warden shall be paid an annual salary to be fixed by
5 the commissioner of corrections. The warden, subject to
6 the authority of the commissioner, has the responsibility
7 for the overall operation of the center.

8 At each center the warden shall administer programming
9 which shall include the following components: (1) A work
10 program; (2) an educational program in accordance with
11 section thirteen-f, article two, chapter eighteen of this
12 code; (3) a recreational program; and (4) a counseling

13 program with an emphasis on substance abuse and life skills.

**§25-4-6. Assignment of offenders to center; period of center
confinement; return to court; sentence or probation;
revocation of probation.**

1 The judge of any court with original criminal jurisdiction
2 may suspend the imposition of sentence of any young
3 adult, as defined in this section, convicted of or pleading
4 guilty to a criminal offense, other than an offense punish-
5 able by life imprisonment, who has attained his or her
6 eighteenth birthday but has not reached his or her twenty-
7 first birthday at the time of the commission of the crime,
8 and commit the young adult to the custody of the West
9 Virginia commissioner of corrections to be assigned to a
10 center. Young adult offenders who have previously been
11 committed to a young adult offender center are not eligible
12 for commitment to this program. The period of confine-
13 ment in the center shall be for a period of not less than six
14 months, or longer if it is deemed advisable by the center
15 warden, but in any event the period of confinement may
16 not exceed two years. The court shall provide the warden
17 with a copy of the presentence investigation report, along
18 with the commitment order.

19 If, in the opinion of the warden, the young adult offender
20 proves to be an unfit person to remain in the center, the
21 offender shall be returned to the committing court to be
22 dealt with further according to law. In that event, the
23 court may sentence the offender for the crime for which
24 the offender was convicted. In his or her discretion, the
25 judge may allow the defendant credit on the sentence for
26 time the offender spent in the center.

27 A young adult offender shall be returned to the jurisdic-
28 tion of the court which originally committed the offender
29 when, in the opinion of the warden, the young adult
30 offender has satisfactorily completed the center training
31 program. The offender is then eligible for probation for
32 the offense with which the offender is charged, and the
33 judge of the court shall immediately place the offender on
34 probation. In the event the offender's probation is subse-
35 quently revoked, the judge shall impose the sentence the
36 young adult offender would have originally received had

37 the offender not been committed to the center and subse-
38 quently placed on probation. The court shall, however,
39 give the offender credit on his or her sentence for the time
40 spent in the center.

**§25-4-7. Physical, educational and psychological examinations;
transfer and placement.**

1 Every young adult offender committed under this article
2 shall be given complete physical, educational and psycho-
3 logical examinations in the same manner and under the
4 same protections and requirements of subsections (b) and
5 (c), section two, article one, chapter twenty-eight of this
6 code. In addition to those requirements, all admission,
7 transfer and placement requirements and authority
8 provided to the commissioner in subsections (d) and (e),
9 section two, article one, chapter twenty-eight of this code
10 are applicable.

§25-4-8. Labor, study or activities may be required.

1 Offenders assigned to centers may be required to labor
2 on the buildings and grounds of the center, in the making
3 of forest roads, for fire prevention and fire fighting, on
4 forestation and reforestation of public lands, on the
5 making of fire trails and firebreaks, on fire suppression, on
6 building or improving public parks or lands, or engage in
7 any studies or activities prescribed or permitted by the
8 warden, subject to the approval of the commissioner of
9 corrections.

§25-4-9. Wages of offenders.

1 The West Virginia commissioner of corrections may
2 provide for the payment of wages to the offenders assigned
3 to centers for the work they perform.

§25-4-10. Authority to arrest inmates.

1 All officers and employees of a center have the power of
2 peace officers so far as necessary to take into custody
3 center inmates.

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

Walter Sherman
.....
Chairman Senate Committee

Joe F. Smith
.....
Chairman House Committee

Originating in the Senate.
In effect ninety days from passage.

Harriet E. Hus
.....
Clerk of the Senate

Gregory M. King
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within..... *approved* this the *27th*
Day of..... *March* 1999

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR,

Date 3/23/99

Time 10:48 am