

WEST VIRGINIA CODE: §15A-4A-4

§15A-4A-4. Eligibility; Funding.

(a) An offender is eligible to participate in the work release program if he or she:

- (1) Is 18 years of age or older;
- (2) Is physically and psychologically able, as determined by the commissioner, to participate in the program: *Provided*, That offenders with medical conditions or disabilities shall be eligible for work release placement.
- (3) Is directed by the Commissioner of Corrections to participate in the work release program; and
- (4) Meets other criteria as the commissioner of the Division of Corrections and Rehabilitation may direct.

(b) The expansion of work release authorized by this article is subject to funds being appropriated by the Legislature therefor or appropriated funds being redirected thereto.

§15A-4A-5. Limitations on eligibility for work release participation.

The following persons may not participate in the work release program:

- (1) An offender who requires inpatient psychological or psychiatric treatment;
- (2) An offender who refuses to participate in the Offender Financial Responsibility Program;
- (3) An offender who refuses to participate in the Institution Release Preparation Program; and
- (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.