WEST VIRGINIA CODE: §62-4-16

§62-4-16. Community service work may be substituted in lieu of a fine in municipal court and magistrate court; immunity from suit.

(a) Notwithstanding any provision of this code to the contrary, a municipal judge or a magistrate may substitute, in lieu of the imposition of a sentence of incarceration or imposition of a fine, community service work for such incarceration or fine. Where community service work is ordered as a substitute on a sentence of incarceration, an eight-hour work day shall extinguish one day of any sentence of incarceration. The minimum wage established by the prevailing federal minimum wage in effect at the time sentencing is imposed shall be used to compute the amount of community service work necessary to extinguish the fine. In the discretion of the court, the sentence credits may run concurrently or consecutively.

(b) Any community service ordered pursuant to the provisions of this section shall be performed for government entities or charitable or nonprofit entities.

(c) Any person who is sentenced to court-ordered community service under this section by a municipal court shall be supervised by the chief of police, or his or her designee. Any person who is sentenced to court-ordered community service under this section by a magistrate shall be supervised by the sheriff or other person designated by the county commission.

(d) Persons sentenced under the provisions of this section remain under the jurisdiction of the sentencing court. The court may withdraw the community service sentence at any time by order entered with or without notice and order a person previously sentenced to community service to serve the term of incarceration or to pay the fine available to the court upon the person's conviction: *Provided,* That any community service work performed before the community service sentence is withdrawn shall be credited against any term of incarceration or fine imposed.

(e) This section does not create any additional cause of action for individuals who appear in municipal or magistrate court. Any person who participates in court-ordered community service is limited to the remedies contained in §29-12A-1 *et seq*. of this code, subject to any defenses, immunities, and limitations of liability contained therein.

WV Legislature