WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

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ENROLLED

Com. Sub. for

HOUSE BILL No. 1822

(By Mr. 

Del. Videlebusch

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article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section twenty-seven of said article be amended and reenacted to read as follows: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

(a) All adult inmates now in the custody of the commissioner of corrections, or hereafter committed to the custody of the commissioner of corrections, except those committed pursuant to article four, chapter twenty-five of this code, shall be granted commutation from their sentences for good conduct in accordance with this section.

(b) Such commutation of sentence, hereinafter called “good time,” shall be deducted from the maximum term of indeterminate sentences or from the fixed term of determinate sentences.

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

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

(e) An inmate under two or more consecutive sentences shall be allowed good time as if the several sentences, when
the maximum terms thereof are added together, were all one sentence.

(f) The commissioner of corrections shall promulgate separate disciplinary rules for each institution under his control in which adult felons are incarcerated, which rules shall describe acts which inmates are prohibited from committing, procedures for charging individual inmates for violation of such rules and for determining the guilt or innocence of inmates charged with such violations and the sanctions which may be imposed for such violations. A copy of such rules shall be given to each inmate. For each such violations, by an inmate so sanctioned, any part or all of the good time which has been granted to such inmate pursuant to this section may be forfeited and revoked by the warden or superintendent of the institution in which the violation occurred. The warden or superintendent, when appropriate and with approval of the commissioner, may restore any good time so forfeited.

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

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

(i) The commissioner of corrections may, with the approval of the governor, allow extra good time for inmates who perform exceptional work or service.

(j) In order to ensure equitable good time for all inmates now in the custody of the commissioner of corrections or hereafter committed to the custody of such commissioner, except as to those persons committed pursuant to article four, chapter
twenty-five of this code, all good times shall be computed ac-
cording to this section and all previous computations of good
time under prior statutes or regulations are hereby voided. All
inmates who have previously forfeited good time are hereby
restored to good time computed according to this section and
all inmates will receive a new discharge date computed ac-
cording to this section. All inmates that have been awarded
overtime good time or extra good time pursuant to sections
twenty-seven-a and twenty-seven-b of this article which are
repealed simultaneously with the amendment to this section
during the regular session of the Legislature in the year one
thousand nine hundred eighty-four, shall receive such good time
in addition to the good time computed according to this sec-
tion.

(k) There shall be no grants or accumulations of good
time or credit to any inmate now or hereafter serving a
sentence in the custody of the department of corrections ex-
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 70th day of March, 1984.

Governor