

HB 2548

RECEIVED

1995 APR -5 PM 4:40

OFFICE OF THE CLERK  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



# ENROLLED

HOUSE BILL No. 2548

(By Delegates Roundfoot Ball, Ennis,  
Kellai, Yeager and Anderson)



Passed March 11, 1995

In Effect Ninety Days From Passage



**ENROLLED**

**H. B. 2548**

(BY DELEGATES PROUDFOOT, BALL, ENNIS, KALLAI,  
YEAGER AND ANDERSON)

---

[Passed March 11, 1995; in effect ninety days from passage.]

---

AN ACT to amend and reenact section five, article six, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to boot camp; internal policy development; and authorizing the state board of education and the state superintendent of schools to establish educational programs therein.

*Be it enacted by the Legislature of West Virginia:*

That section five, article six, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 6. BOOT CAMP.**

**§25-6-5. Internal policy development.**

1       (a) The division of corrections shall promulgate  
2 operational procedures and policies for the program  
3 which shall require that the pilot program be established at  
4 one site, which site shall then be under the control and  
5 authority of the division of corrections. The program shall  
6 consist of all of the following for each eligible offender  
7 whom the division permits to serve his or her sentence as a  
8 sentence to boot camp:

9       (1) A period of imprisonment at the boot camp of not  
10 more than twelve months which period of imprisonment

11 shall consist of a military style combination of discipline,  
12 physical training and physical labor, substance abuse  
13 education, employment skills training, social skills train-  
14 ing, and psychological evaluation and treatment. Addi-  
15 tionally, the state board of education and state superin-  
16 tendent of schools, pursuant to section five, article twenty,  
17 chapter eighteen of this code, respectively may, as funds  
18 are available, establish an education program for those  
19 eligible offenders who are not recipients of a high school  
20 diploma or a certificate of high school equivalence.

21 (2) Upon successful completion of the boot camp  
22 program, and notwithstanding any other provisions for  
23 determining parole eligibility, an inmate shall be released  
24 on parole in accordance with this article. Except as  
25 otherwise provided in this article, a release on parole under  
26 this section shall require that the eligible offender be  
27 under intensive supervision by the adult parole authority  
28 and may provide for supervision of the offender by the  
29 adult parole authority subsequent to the expiration of his  
30 or her period of boot camp incarceration under any terms  
31 and for any period of time prescribed by the provisions of  
32 article twelve, chapter sixty-two of this code.

33 (b) The policies and procedures for the boot camp  
34 program also shall include, but are not limited to, all of the  
35 following:

36 (1) Policies and procedures identifying the facilities  
37 under the control and authority of the division of  
38 corrections designated by the commissioner of corrections  
39 that will be used for prisoners serving a sentence to boot  
40 camp;

41 (2) Policies and procedures governing academic  
42 education, or psychological testing and evaluation,  
43 discipline, physical training and labor for eligible  
44 offenders serving a sentence to boot camp based upon the  
45 offender's physical conditions and needs: *Provided*, That  
46 the education program shall be administered by the state  
47 board of education and state superintendent of schools in

48 accordance with section thirteen-f, article two, chapter  
49 eighteen and section five, article twenty, chapter eighteen  
50 of this code, respectively;

51 (3) Policies and procedures establishing additional  
52 criteria the commissioner deems necessary to determine  
53 the eligibility of offenders to serve their sentence as a  
54 sentence to boot camp;

55 (4) Policies and procedures establishing a method of  
56 intensive supervision for an eligible offender who is  
57 released on parole of the type described in this section for  
58 the remainder of his or her parole sentence, and rules  
59 governing the supervision of the offender subsequent to  
60 the expiration of his or her parole sentence;

61 (5) Policies and procedures to effectuate notification  
62 to sentencing courts of the performance of eligible  
63 offenders serving their sentence of imprisonment as a  
64 sentence to boot camp;

65 (6) Any other policies and procedures that are  
66 necessary for the proper operation of the program.

67 (c) An eligible offender who does not satisfactorily  
68 complete the entire period of boot camp incarceration, he  
69 or she shall be removed from the program of boot camp  
70 and shall be required to serve the remainder of the  
71 original sentence of imprisonment which would have been  
72 available to the sentencing court had boot camp not been  
73 directed by the circuit court or allowed by the com-  
74 missioner.

75 (d) If the circuit court directs or the division permits  
76 an eligible offender to serve his or her sentence of  
77 imprisonment as a sentence to boot camp, the eligible  
78 offender shall commence a period of parole of the type  
79 described in this article. If an eligible offender violates  
80 the conditions of parole, he or she may be declared a  
81 parole violator and his or her parole shall be subject to  
82 revocation pursuant to the provision of article twelve,  
83 chapter sixty-two of this code.

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

*Randy L. Scheraga*  
\_\_\_\_\_  
Chairman Senate Committee

*Ernest C. Moore*  
\_\_\_\_\_  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage

*Darrell B. Baker*  
\_\_\_\_\_  
Clerk of the Senate

*Donald S. Duff*  
\_\_\_\_\_  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
\_\_\_\_\_  
President of the Senate

*Carl Albert*  
\_\_\_\_\_  
Speaker of the House of Delegates

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
Governor



PRESENTED TO THE

GOVERNOR

Date 3/28/95

Time 8:56 am