WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2001

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 3192

(By Mr. Speaker, Mr. Kiss, and Delegates Staton, Michael, Manuel, Givens and Webster)

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Passed April 14, 2001

In Effect Ninety Days from Passage
AN ACT to amend and reenact section eight, article fifteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-three, as amended; and to amend article twenty, chapter thirty-one by adding thereto a new section, designated section five-d, all relating to good time for jail inmates; providing that inmates of regional jails are eligible for good time for labor performed; providing that inmates of county or regional jails are eligible for good time for achieving certain educational levels; requiring director of regional jail authority to promulgate rules related to discipline of inmates; permitting sheriffs to adopt rules; and requiring that every person committed to jail receive a copy of the disciplinary rules.

Be it enacted by the Legislature of West Virginia:
That section eight, article fifteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article twenty, chapter thirty-one of said code be amended by adding thereto a new section, designated section five-d, to read as follows:

ARTICLE 15. COUNTY CONVICT ROAD FORCE.

§17-15-8. Credit on sentence for road work by county prisoner.

1 Every person sentenced to labor as provided for by this article and who has faithfully complied with all the rules and regulations prescribed by the sheriff or administrator of the regional jail facility governing the labor is entitled to five days' deduction for each month's jail sentence that is imposed upon him or her.

ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY.

§31-20-5d. Good time credit.

1 (a) Any person convicted of a criminal offense and sentenced to confinement in a county or regional jail is to be granted commutation from his or her sentence for good conduct in accordance with this section.

5 (b) The commutation of sentence or good time is to be deducted from the fixed term of determinate sentences. An inmate under two or more consecutive sentences is allowed good time as if the several sentences, when the maximum terms thereof are added together, were all one sentence.

(c) Every inmate sentenced to a regional jail for a term of confinement exceeding six months who, in the judgment of the administrator of the regional jail facility, faithfully complies with all rules and regulations of the regional jail during his or her term of confinement is entitled to a deduction of five days
from each month of his or her sentence. No inmate may be
granted any good time under the provisions of this section for
time spent on bond or for time served on parole or in any other
status in which he or she is not physically incarcerated.

(d) Each inmate sentenced to a term of confinement in a
county or regional jail facility who participates in a general
equivalency diploma program is to be granted three days of
good time for the completion of each educational literacy level,
as demonstrated by achieving a passing score on standardized
tests required by the department of education, and ten days of
good time for completion of the requirements for a general
equivalency diploma or high school diploma.

(e) The sheriff or administrator of a regional jail facility
may, with the approval of the governor, allow extra good time
for inmates who perform exceptional work or service.

(f) The regional jail and correctional facility authority shall
promulgate disciplinary rules for the regional jail facilities. The
rules are to describe prohibited acts, procedures for charging
individual inmates for violations of the rules and for determin-
ing the guilt or innocence of inmates charged with the viola-
tions, and sanctions that may be imposed for the violations.
Each sheriff who is responsible for operating a county jail may
adopt the rules promulgated by the regional jail and correctional
facility authority. For each violation by an inmate, any part or
all of the good time that has been granted to the inmate may be
forfeited and revoked by the sheriff or administrator of the
regional jail facility. The administrator, when appropriate and
with approval of the executive director, or the sheriff may
restore any good time forfeited for a violation of the rules
promulgated or adopted pursuant to this subsection.

(h) Each inmate sentenced to a term of confinement in a
county or regional jail in excess of six months shall, within
seventy-two hours of being received into a county or regional jail, be given a copy of the disciplinary rules, a statement setting forth the term or length of his or her sentence or sentences, and the time of his or her minimum discharge.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved the th day of , 2001.

Governor