

FILED ✓

2001 MAY -2 P 11: 43

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

Committee Substitute for
SENATE BILL NO. 579

(By Senators *Love and Hunter*)

PASSED April 12, 2001

In Effect 90 days from **Passage**

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 579

(SENATORS LOVE AND HUNTER, *original sponsors*)

[Passed April 12, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article four, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to assignment of offenders to center; period of center confinement; return to court; sentence or probation; revocation of probation; and transfer of youths by commissioner of corrections.

Be it enacted by the Legislature of West Virginia:

That section six, article four, 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 4. CENTERS FOR HOUSING YOUNG ADULT OFFENDERS.

§25-4-6. Assignment of offenders to center; period of center confinement; return to court; sentence or probation; revocation of probation.

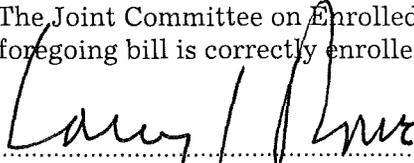
1 The judge of any court with original criminal jurisdiction
2 tion may suspend the imposition of sentence of any young
3 adult, as defined in this section, convicted of or pleading
4 guilty to a felony offense, other than an offense punishable
5 by life imprisonment, including, but not limited to, felony
6 violations of the provisions of chapter seventeen-c of this
7 code, who has attained his or her eighteenth birthday but
8 has not reached his or her twenty-third birthday at the
9 time of the sentencing by the court and commit the young
10 adult to the custody of the West Virginia commissioner of
11 corrections to be assigned to a center. Young adult
12 offenders who have previously been committed to a young
13 adult offender center are not eligible for commitment to
14 this program. The period of confinement in the center
15 shall be for a period of not less than six months, or longer
16 to successfully complete the program requirements set by
17 the warden, but in any event the period of confinement
18 may not exceed two years. The court shall order a
19 presentence investigation to be conducted and provide the
20 warden with a copy of the presentence investigation
21 report, along with the commitment order.

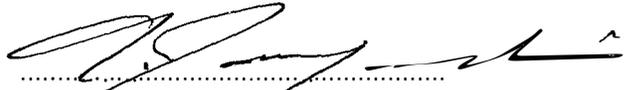
22 If, in the opinion of the warden, the young adult of-
23 fender proves to be an unfit person to remain in the center,
24 the offender shall be returned to the committing court to
25 be dealt with further according to law. In that event, the
26 court may sentence the offender for the crime for which
27 the offender was convicted. In his or her discretion, the
28 judge may allow the defendant credit on the sentence for
29 time the offender spent in the center.

30 A young adult offender shall be returned to the jurisdiction
31 of the court which originally committed the offender
32 when, in the opinion of the warden, the young adult
33 offender has satisfactorily completed the center training
34 program. The offender is then eligible for probation for

35 the offense with which the offender is charged and the
36 judge of the court shall immediately place the offender on
37 probation. In the event the offender's probation is subse-
38 quently revoked, the judge shall impose the sentence the
39 young adult offender would have originally received had
40 the offender not been committed to the center and subse-
41 quently placed on probation. The court shall, however,
42 give the offender credit on his or her sentence for the time
43 spent in the center.

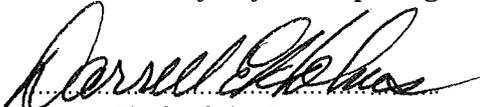
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee


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Chairman House Committee

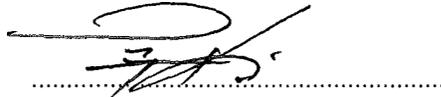
Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within approved this the 2nd
Day of May, 2001.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/01

Time 11:15 am