

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #4

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2008 JAN -3 PM 1:05

Office of the Secretary of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Regional Jail and Correctional Facility Authority TITLE NUMBER: 94

CITE AUTHORITY: Legislative

AMENDMENT TO AN EXISTING RULE: YES NO

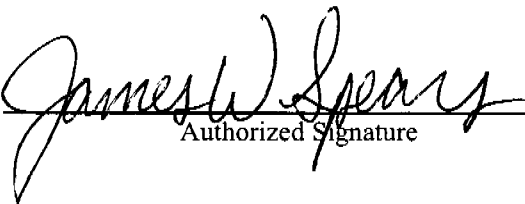
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 6

TITLE OF RULE BEING PROPOSED: Furlough Program for Regional Jails

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

Office
of The Secretary
DEC 26 2007
Dept. of MAPS

\$3.00

WEST VIRGINIA CODE OF STATE RULES
TITLE 94. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL
FACILITY AUTHORITY
LEGISLATIVE RULE (SER. 6)
SERIES 6. FURLOUGH PROGRAM FOR REGIONAL JAILS

§ 94-6-1. General.

1.1. Scope. -- This legislative rule establishes a furlough program for qualified inmates under the custody and control of the West Virginia Regional Jail and Correctional Facility Authority to attend funerals or make hospital visits to terminally ill immediate family members, as defined below.

1.2. Authority. -- W. Va. Code § 31-20-29

1.3. Filing Date. -- .

1.4. Effective Date. -- .

1.5. Repeal and Replace. -- None

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LEGISLATIVE DEPARTMENT
STATE HOUSE
CHARLESTON, WEST VIRGINIA
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§ 94-6-2. Definitions.

2.1. Classification. - A process for determining the appropriate security placement and special needs of the inmate population in order to provide a safe, secure and humane correctional system for the public, staff and inmates.

2.2. Furlough - An authorized escorted or unescorted absence from actual confinement within a Regional Jail for a funeral or death bed visit, to a specific place, under specific conditions, and for a specific period of time.

2.3. Unescorted absence - An approved absence from the Regional Jail during which the inmate is not accompanied by a Correctional Officer.

2.4. Escorted absence - An approved absence from the Regional Jail during which the inmate is accompanied by a Correctional Officer(s), which said transport is in compliance with the West Virginia Regional Jail and Correctional Facility Authority's Policy and Procedures concerning inmate transportation.

2.5 Immediate Family: Parents, children, siblings, and spouses.

§ 94-3-3. Applicability.

3.1. This rule is applicable to all Regional Jail Facilities that house adult inmates.

3.2 This legislative rule does not apply to any inmate(s) incarcerated under the jurisdiction of the United States Marshals Service, the Federal Bureau of Prisons, or the Immigration and Naturalization Service or any other federal incarcerating agency, inmates held on detainers from other states, or held for the benefit of any jurisdiction outside of the sovereignty of the State of West Virginia.

§ 94-6-4. Eligibility for Furlough Consideration.

4.1. Eligibility for furloughs shall include:

4.1.1 This rule is applicable to inmates whose overall custody classification is minimum, and who in the opinion of the Chief of Operations or designee classifies as minimal risk to the general public.

4.1.2 An inmate must serve at least thirty (30) days in the Regional Jail and have no findings of misconduct during the preceding six (6) months.

4.1.3 For inmates sentenced to the Division of Corrections, they must comply with the Division of Corrections policies, procedures and agreement with the Authority. The Commissioner of the Division of Corrections or designee must first grant the authority and consent, and make necessary provisions for a furlough.

4.2. The Chief of Operations or designee may grant escorted or unescorted furloughs when appropriate for funeral or deathbed visitation.

4.3 Furlough for inmates requires the specific approval of the Administrator or his/her designee.

4.4. An inmate may not be granted a furlough if the Chief of Operations or his or her designee believe that he or she poses a threat to him or herself or others, he or she may become involved in criminal activity while on furlough, he or she poses a risk to the victim of the crime or crimes for which committed or he or she poses a risk to the community in general.

§ 94-6-5. Furlough Requests; Contract; Costs; Notification of Counties.

5.1. The West Virginia Regional Jail and Correctional Facility Authority will designate a Furlough Officer for each regional jail facility to review and handle the requests.

5.2. Reporting requirements, rules, regulations, and special conditions shall be in the form of a contract. The contract shall inform the inmate that his or her conduct will be monitored by the facility while he or she is on furlough.

5.3 The inmate shall be responsible for the costs of an escorted furlough, to include mileage costs at the state travel regulations rate, and the costs of staff providing security, which shall be projected and a part of the furlough contract. The inmate shall be responsible for a \$10.00 administration fee for processing the furlough.

5.4. Upon receiving a valid request for a furlough from an eligible inmate, the Furlough Officer shall notify the Prosecuting Attorney, Sheriff, in the sentencing counties, as well as the Sheriff in the county to which furlough is requested, if different, that the inmate may be eligible to receive furlough privileges beginning on a particular date.

§ 94-6-6. Procedure for violations.

6.1. The Chief of Operations or his or her designee may cancel an inmate's furlough for any violation of the terms and conditions of the furlough or rules of conduct.

6.2. The Chief of Operations or his or her designee may discipline inmates who violate the terms and conditions of a furlough in accordance with Authority policy.

6.3. Violation of Contract Conditions of Furlough: Any inmate who fails to timely return from a furlough, or absconds from the custody of Regional Jail transportation officers, shall be considered to have escaped and charged accordingly.

6.5. The Chief of Operations or his or her designee shall report to the appropriate law enforcement authority for prosecution under the applicable statute any violation of conditions of a furlough that is a violation of Federal or State Law.