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TITLE 90
LEGISLATIVE RULE
DIVISION OF CORRECTIONS

OFFICE OF THE ATTORNEY GENERAL
SECRETARY OF STATE

SERIES 8
FEES FOR ELECTRONIC MONITORING OF OFFENDERS

§90-8-1 General

1.1 Scope -- This legislative rule establishes the policy and delineates guidelines for the establishment and collection of supervision fees from offenders placed upon the electronic monitoring program for offenders under the jurisdiction of the Commissioner of the West Virginia Division of Corrections.

1.2 Authority --WV Code § 25-1-14

1.3 Filing date—

1.4 Effective date—

§90-8-2 Definitions

2.1 "Offender" means any person committed to the custody or supervision of the West Virginia Division of Corrections as an inmate or as an in-state or out-of-state probationer or parolee.

§90-8-3 Applicable

3.1 All offenders committed to the custody or supervision of the

Commissioner of the West Virginia Division of Corrections by a court, the Parole Board, or through the Interstate Compact Agreement, and Corrections inmates housed in regional jails, any of which pursuant to a separate policy directive of the West Virginia Division of Corrections are suitable candidates for placement in the electronic monitoring program.

§90-8-4 Procedure

4.1 Fee Determination and Collection Process

4.1.1 A daily monitoring fee, in an amount not to exceed Six Dollars (\$6.00) per calendar day, will be paid by participating offenders either by certified check or money order on or before the end of each 7-day period while on electronic monitoring supervision. The offender will be notified of the supervision fee prior to actual participation in the electronic monitoring program.

4.1.2 Certified checks and money orders shall be made payable to the Division of Corrections' Electronic Monitoring Account. No

other forms of payment will be accepted.

4.1.3 Each 7-day payment must be mailed or delivered to the Electronic Monitoring Program Coordinator at the address provided to the offender during the program orientation process.

4.2 The Electronic Monitoring Program Coordinator may approve requests for exemption or reduction of daily monitoring fees.

4.2.1 The offender must submit a written request to the Electronic Monitoring Coordinator.

4.2.2 The offender must state whether he or she is applying for an exemption or a reduction and the amount of such exemption or reduction requested.

4.2.3 The request must outline the offender's current income or income prospects, liquid assets, fixed debts and obligations (including federal, state and local taxes), medical expenses, child care, transportation and expenses necessary for employment, age or physical infirmity of resident family members, and the consequences should the exemption or reduction be denied.

4.2.4 Should the request for exemption or reduction be denied, the offender will be notified immediately.

4.2.5 The denial decision may be appealed to the Commissioner for a final decision.

4.2.6 The offender will be advised to rectify any arrears in payments.

4.2.7 If the request for exemption or reduction is approved, the offender will be notified that the requested exemption or reduction is valid only as long as the circumstances under which it was granted remain the same. It is the offender's responsibility to notify the Coordinator should these circumstances change.

4.2.8 In any event, the exemption or reduction will expire thirty (30) days after the initial approval is given. If another exemption or reduction is needed, a new request must be submitted by the offender.

4.2.9 Offenders who are authorized for an exemption must perform community service work as approved by the Coordinator in lieu of paying the electronic monitoring fee. The offender must be eligible to leave his or her home for such work.

4.3 Should the offender fail to send payments to the account as outlined above, the offender may be removed from this program and returned to the Division of Corrections.

4.4 A computer program will be used by the program coordinator

to account for fees collected and those still owed.

4.4.1 The program will identify offenders who are exempt or approved for a reduced fee.

4.4.2 All funds collected will be deposited into a Special Revenue Account in the State Treasurer's Office entitled "Electronic Monitoring Account".

4.5 To qualify, for the electronic monitoring program offenders must meet eligibility and selection requirements, which are set by separate Division of Corrections Policy Directive, sign a contractual agreement and participate in an orientation process.