



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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FILED
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senator Mike Ross, Cochair
Delegate Virginia Mahan, Cochair
Debra A. Graham, Counsel

December 17, 2002

Joseph A. Altizer, Associate Counsel
Connie A. Bowling, Associate Counsel
Teri Anderson, Administrative Assistant

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Jeffrey Estep
Governor's Committee on Crime, Delinquency and Correction
1204 Kanawha Blvd East
Charleston, WV 25301

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Community Corrections Standards, 149CSR4**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule
(a) as originally filed
(b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation is attached.
5. Recommends that the Legislative rule be withdrawn; a statement
of reasons for such recommendation is attached.

SCANNED

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Governor's Committee on Crime, Delinquency and Correction

Subject: Community Corrections Standards (149 CSR 4)

Date: November 8, 2002

Staff Counsel: Connie A. Bowling

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2002 DEC - 6 P 12:54

FILED

PERTINENT DATES

Filed for public comment: June 7, 2002

Public comment period ended: July 18, 2002

Filed following public comment period: July 26, 2002

Filed LRMRC: July 26, 2002

Filed as emergency: N/A

Fiscal Impact: None.

ABSTRACT

This is a new rule which establishes minimum standards for establishment of community corrections programs ("Program") under the Community Corrections Act (WVC 62-11C-1 et seq.). The purpose of the Act is to permit counties and certain municipalities to develop local corrections programs, such as treatment programs or day reporting centers, which provide a sentencing alternative to incarceration.

The proposed rule establishes 4 core requirements for every Program: (1) an intake and risk assessment; (2) appropriate services, depending on the type of program; (3) a link with a local workforce investment board to provide educational testing, job training & placement and/or treatment services; and (4) a written program plan by which the success of the Program can be measured. The rule also sets out the information to be collected or steps to be taken with regard to each of these requirements.

In addition, the proposed rule establishes administrative procedures for submission to & approval of a Program by the Governor's Committee on Crime, Delinquency and Correction ("Committee"). A request for approval of a Program must be submitted on the approved proposal application form to the Community Corrections Subcommittee ("Subcommittee"). The application must show how the local community and its criminal justice system are involved with development and implementation of the Program.

The rule also provides that the Subcommittee will distribute application information between January and March of each year to county commissioners, circuit judges and other county and municipal officers. Programs which do not request state funding may be submitted to the Subcommittee for approval at any time and will be reviewed and considered for approval at the next Subcommittee meeting. Any approval remains in effect for 3 years, and modifications to the Program must be submitted to the Subcommittee for approval during that period. Approved Programs must collect and submit data quarterly and provide quarterly and annual progress reports for the Subcommittee's approval.

Any Program requesting state funding must file an application during April and May on a date set by the Subcommittee. Funding awards (and Program approvals) are effective for 1 fiscal year and are awarded based on the criteria in the application. Applicants may be required to make an oral presentation to the Subcommittee. Each approved Program is required to make a minimum 10% local cash match, and state funds are provided through monthly reimbursements of expenses. Successful applicants are required to provide any paperwork required by the Subcommittee, including contracts and monthly progress and financial reports.

AUTHORITY

Statutory authority:

W. Va. Code § 62-11C-3 (a) (1):

(a) Upon recommendation of the community corrections subcommittee, the governor's committee shall propose for legislative

promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code, emergency and legislative rules to:

(1) Establish standards for approval of community corrections programs submitted by community criminal justice boards or other entities authorized by the provisions of this article to do so;

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ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

No technical modifications recommended.