

OPPOSITION Response to HB 4658

To clarify when inmates may receive "good time" or time served

January 23, 2024

House Jails & Prisons Committee:

[West Virginians for Rational Sexual Offence Laws \(WVRSOL\)](#) is a West Virginia non-profit association and an affiliate of the [National Association for Rational Sexual Offence Laws \(NARSOL\)](#), which advocates for society's segment that is adversely affected by the sex offender registry. We try to help families impacted by the registry, seek ways to maintain and improve public safety, recommend prudent use of state funding in this area, and work to ensure that proposed legislation is constitutional.

WVRSOL joins the ACLU of WV in **opposition** to HB 4658 because of its exorbitant financial and human cost, its apparent expounding exacerbation of the Division of Corrections and Rehabilitation prison population and overcrowding, and the inclusion of extended supervision while being subject to electronic or GPS monitoring for those affected.

HB 4658 – proposed changes

1. The updates proposed to section § 15A-4-17 significantly expand the exclusion of "good time" from those serving a lifetime sentence to those serving sentences for (a) § 61-2-1, § 61-2-12(a), § 61-2-14a, § 61-2-29a (c), and § 61-2-29a all relating to crimes against the person, (b) § 61-8B-3, § 61-8B-4, § 61-8B-5, § 61-8B-7, § 61-8B-8, and § 61-8B-9 all relating to sexual offenses, (c) § 61-8D-2, § 61-8D-2a, § 61-8D-4a, § 61-8D-5, and § 61-8D-6 all relating to child abuse, and (d) § 61-14-2 relating to human trafficking.
2. Moreover, the updates proposed to section § 15A-4-17 also include a mandatory one-year post-release of supervision, subject to electronic or GPS monitoring for the entire supervision period, to all those included in the proposed "good time" exclusion categories.

Opposed to: exacerbation of the Division of Corrections and Rehabilitation prison population costs and current overcrowding

1. The West Virginia prison population was 5,800, according to the Prison Policy Initiatives' *West Virginia profile*. (*West Virginia Profile*, n.d.)
 2. "Average Annual Cost Per Inmate for FY 2021: \$38,788," according to the FY 2022 Annual Report of the *WV Division of Corrections and Rehabilitation*. (Marshall, 2022)
 3. ~29.62% of the FY 2021 inmate population of 5,800 would be HB 4658 qualifying offenses based on the Adult Prison Statistics in the *FY 2022 Annual Report WV Division of Corrections and Rehabilitation*. (Marshall, 2022)
 4. "Since 2000, the prison custody population has increased 82%," or 4.56% per year (2000-2018), according to the Vera Institute of Justice's *Incarceration Trends in West Virginia* fact sheet. (*Incarceration Trends in West Virginia*, 2019)
- If we take points 1-4 above, we can extrapolate as noted below:
- 9,968 is the increase in the prison population in 10 years (2034) at a rate of 4.56% per year.
 - 2,840 or 30% of the 2034 total will be for HB 4658 qualifying offenses and must do 50% more time.
 - 1,420 is the increase over the 9,968 total due to the 50% added time increase.
 - 10,888 the net prison population total in 2034, a 13% increase over current projections.
 - \$224,970,400 today's annual prison population cost (\$38,788 x 5,800)
 - \$367,244,784 projected 2034 annual prison population cost (\$38,788 x 9,968) 63% increase
 - \$421,625,560 projected 2034 annual prison population cost if HB 4658 passes (\$38,788 x 10,888), an 87% increase or 38% more than currently projected or \$161,155,680.24
- **\$161.2M HB 4658 prison population price tag** based on today's dollars projected in 2034

- Suppose we add the \$161.2M to the estimated \$300M needed to increase pay and repair decaying facilities in the understaffed and overcrowded WV prisons (Culvyhouse, 2023). In that case, one can easily see that an added \$161M for zero rehabilitation value, but instead, added punishment will never and should never be in the legislative budget or the taxpayer's pocket.

Opposed to: mandatory one-year post-release of supervision, which is subject to electronic or GPS monitoring

1. In FY2021, West Virginia paid ~ \$25,651,470 in supervision costs for parole and probation. (The Cost of Recidivism, 2023)
- Taking point 1 above, we can extrapolate as noted below:
 - Adding a year of supervision, possibly with GPS, to 2034 projected 13% more HB 4658 qualified candidates, we add another projected \$3.3M in parole and probation costs.
 - **\$3.3M HB 4658 parole and probation price tag** based on today's dollars projected in 2034

Moreover, if GPS monitoring is included, the expense will be borne by the taxpayers for all indigent parolees and probationers, which is nearly all who are released from extensive prison sentences.

Opposed to: a projected grand total price tag of \$164.5M if HB 4658 passes

WVRSOL supports legislation that actually works to reduce abuse and sexual offenses, help children and families, and improve public safety. Unfortunately, HB 4658 does none of these things. Therefore, we **oppose** and respectfully urge the House, its members, and the House Jails & Prisons Committee to **reject HB 4658**.

Sincerely,

Philip W. Kaso

Philip W. Kaso, Executive Director

[West Virginia for Rational Sex Offence Laws \(WVRSOL\)](http://www.wvrsol.com) | 304-760-9030 | wvrsol@gmail.com



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