

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

SENATE BILL NO. 696

(By Senator Love **)**

PASSED April 14, 2001

In Effect 90 days from **Passage**

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Senate Bill No. 696

(BY SENATOR LOVE)

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to repeal sections six, seven and twenty-five, article twenty, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section four, article fifteen, chapter seventeen of said code, all relating to eliminating obsolete provisions involving regional jail commissions; and transferring certain powers and duties associated with work by prisoners from the regional jail authority to the executive director of the regional jail authority or his or her designee.

Be it enacted by the Legislature of West Virginia:

That sections six, seven and twenty-five, article twenty, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section four, article fifteen, chapter seventeen of said code be amended and reenacted to read as follows:

ARTICLE 15. COUNTY CONVICT ROAD FORCE.

§17-15-4. Work by prisoners; relief of sheriffs and others from liability for injuries, etc.

1 (a) Any person convicted of a criminal offense and
2 sentenced to confinement in a county or regional jail shall,
3 as incident to such sentence of confinement, be required to
4 perform labor within the jail, as a trustee or otherwise, or
5 in and upon the buildings, grounds, institutions, roads,
6 bridges, streams or other public works of the county or the
7 area within which the regional jail is located if he or she
8 meets the following criteria:

9 (1) Such person is at least eighteen years of age;

10 (2) Such person is physically and mentally sound and has
11 not been exempted for medical reasons from such work by
12 a licensed physician or other medical professional; and

13 (3) Such person is considered by the county commission,
14 the sheriff or the executive director of the West Virginia
15 regional jail authority or designee not to pose a threat to
16 the community if released for work purposes.

17 (b) The work described in the subsection (a) of this
18 section shall be performed under the supervision, care and
19 custody of the county commission, the executive director
20 of the West Virginia regional jail authority or designee, the
21 sheriff, his or her deputies, correctional officers or other
22 persons charged with inmate supervision to perform
23 maintenance or control litter in this state.

24 (c) In order to effectuate the provisions of this section,
25 the county commission, the sheriff or the executive
26 director of the West Virginia regional jail and correctional
27 facility authority or designee shall promulgate rules for
28 the safe and useful employment of inmate labor.

29 (d) Notwithstanding any provision of this code to the
30 contrary, the county commission, its members and agents,
31 the executive director of the West Virginia regional jail
32 authority or designee its members or agents, the sheriff,

33 his or her deputies, correctional officers and agents shall
34 be immune from liability of any kind for accidents,
35 injuries or death to such inmate except for accident, injury
36 or death resulting directly from gross negligence or
37 malfeasance.

38 (e) The sheriff of the county in which the work is to be
39 performed, with the approval of the county commission or
40 the executive director of the West Virginia regional jail
41 authority or designee, may hire or appoint any personnel
42 necessary for the supervision of inmate labor.

43 (f) Nothing in this section shall be construed to allow the
44 use of inmate labor for private projects or as contract
45 employees of for profit businesses.

46 (g) Any inmate who performs work pursuant to the
47 provisions of this section shall receive, as sole and full
48 compensation therefor, a reduction in his or her term of
49 incarceration of not more than twenty-five percent of the
50 original sentence excluding any other statutorily granted
51 "good time". Each eight-hour period of approved work
52 shall entitle an inmate to one day's sentence reduction:
53 *Provided*, That any "good time" earned pursuant to the
54 provisions of this section shall be in addition to any other
55 reduction of sentence the inmate may accumulate.

56 (h) Any person being held as a detainee or for contempt
57 may voluntarily participate in such labor as provided for
58 in this section under the terms and conditions hereinbefore
59 set forth.

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

Lucy D'Amico
.....
Chairman Senate Committee

J. J. Overman
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Daniel Edwards
.....
Clerk of the Senate

Samuel M. Boy
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *30th*
Day of *April*, 2001.

Bob Wise
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

4/30/01

Time

3:00 pm