1 **Senate Bill No. 566**

2 (By Senators Wills and Foster)

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4 [Introduced February 10, 2012; referred to the Committee on the

5 Judiciary.]

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10 A BILL to amend and reenact §25-1-3 of the Code of West Virginia,

11   1931, as amended, relating to authorizing the Commissioner of

12   Corrections to contract with nonprofit and charitable entities

13   for the operation of work-release and transitional housing for

14   inmates in the commissioner's custody; requiring that any

15   facilities which participate meet standards and criteria set

16   by the commissioner; and allowing for direct placement of

17   inmates in work-release and transitional housing by order of

18   the circuit court.

19 *Be it enacted by the Legislature of West Virginia:*

20   That §25-1-3 of the Code of West Virginia, 1931, as amended,

21 be amended and reenacted to read as follows:

22 **ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.**

23 **§25-1-3.   Institutions managed by Commissioner of Corrections;**

1   **certain institutions transferred to Department of**

2   **Health and Human Resources; establishment of work and**

3   **study release units; contracting with certain**

4   **entities for reentry and direct placement services.**

5   <u>(a)</u>   The Commissioner of Corrections shall manage, direct,

6 control and govern the following penal or correctional institutions

7 and any others placed under his or her jurisdiction or control:

8   Mount Olive Correctional Complex;

9   Huttonsville Correctional Center;

10   Anthony Correctional Center;

11   Denmar Correctional Center;

12   Pruntytown Correctional Center;

13   Northern West Virginia Correctional Center;

14   St. Marys Correctional Center;

15   Lakin Correctional Center;

16   Ohio County Correctional Center;

17   Beckley Correctional Center; and

18   Martinsburg Correctional Center.

19   <u>(b)</u>   The Commissioner of Corrections ~~is authorized to~~ <u>may</u>

20 contract with the county commission of McDowell County to house and

21 incarcerate inmates at the Stevens Correctional Center consistent

22 with all requirements and standards governing the Division of

23 Corrections.

1   (c) Jurisdiction of and title to the West Virginia Children's

2 Home at Elkins are hereby transferred to the Department of Health

3 and Human Resources, which is the custodian of all deeds and other

4 muniments of title to the property and shall record those that are

5 susceptible of recordation to be recorded in the proper offices.

6 Notwithstanding any provision of this code to the contrary, the

7 West Virginia Children's Home shall be managed and controlled by a

8 superintendent appointed by the Commissioner of the Division of

9 Human Services.

10   (d) The commissioner is authorized to may establish work and

11 study release units as extensions and subsidiaries of those state

12 institutions under his or her control and authority. The work and

13 study release units may be coeducational and shall be managed,

14 directed and controlled as provided in this article.

15   (e) The commissioner may contract with nonprofit and

16 charitable entities operating half-way houses or transitional

17 housing facilities for the placement of persons in the

18 commissioner's custody whether within custody or upon parole

19 supervision as long as such facilities meet standards and criteria

20 established by the commissioner. Circuit courts may, as an

21 alternative to incarceration in a jail or correctional facility,

22 order a convicted person to serve his or her sentence in a facility

23 authorized by the provisions of this subsection, as a condition of

1 probation*: Provided,* That in any case in which an individual has

2 been ordered by a circuit court to serve his or her sentence or any

3 part thereof in a half-way house or transitional housing facility,

4 the county from which the inmate is committed shall pay a per-diem

5 rate set by the Division of Corrections which shall be held in a

6 special revenue account used to offset the costs to the Division of

7 Corrections for half-way houses or transitional houses. Nothing in

8 this section prohibits the Division of Corrections from charging

9 any inmate it places within half-way houses a sum calculated to

10 offset the costs as well*: Provided,* That the division finds the

11 inmate has the ability to pay all or a part of his or her costs of

12 placement in a half-way house or transitional housing.

13   (f) Any person employed by the Office of Public Institutions

14 who on the effective date of this article is a classified civil

15 service employee shall, within the limits contained in section two,

16 article six, chapter twenty-nine of this code, remain in the civil

17 service system as a covered employee.

     NOTE: The purpose of this bill is to authorize the
Commissioner of Corrections to contract with nonprofit and
charitable organizations for work-release and inmate reentry
services. The bill also allows circuit courts to directly place
convicted defendants in such facilities.

     Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.