

COMMITTEE SUBSTITUTE

FOR

## **Senate Bill No. 566**

(By Senators Wills and Foster)

---

[Originating in the Committee on the Judiciary;  
reported February 21, 2012.]

---

A BILL to amend and reenact §25-1-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Corrections to contract with nonprofit and charitable entities for the operation of work-release and transitional housing for inmates in the commissioner's custody; requiring that any facilities which participate meet standards and criteria set by the commissioner; allowing for direct placement of inmates in work-release and transitional housing by order of the circuit court; and providing for certain payment of costs to offset the expenses of the Division of Corrections.

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

That §25-1-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

**§25-1-3. Institutions managed by Commissioner of Corrections; certain institutions transferred to Department of Health and Human Resources; establishment of work and study release units; contracting with certain entities for reentry and direct placement services.**

- 1     (a) The Commissioner of Corrections shall manage,  
2     direct, control and govern the following penal or correctional  
3     institutions and any others placed under his or her jurisdic-  
4     tion or control:
- 5         Mount Olive Correctional Complex;
  - 6         Huttonsville Correctional Center;
  - 7         Anthony Correctional Center;
  - 8         Denmar Correctional Center;
  - 9         Pruntytown Correctional Center;
  - 10        Northern West Virginia Correctional Center;
  - 11        St. Marys Correctional Center;
  - 12        Lakin Correctional Center;

13 Ohio County Correctional Center;  
14 Beckley Correctional Center; and  
15 Martinsburg Correctional Center.

16 (b) The Commissioner of Corrections ~~is authorized to~~ may  
17 contract with the county commission of McDowell County to  
18 house and incarcerate inmates at the Stevens Correctional  
19 Center consistent with all requirements and standards  
20 governing the Division of Corrections.

21 (c) Jurisdiction of and title to the West Virginia Chil-  
22 dren's Home at Elkins are hereby transferred to the Depart-  
23 ment of Health and Human Resources, which is the custodian  
24 of all deeds and other muniments of title to the property and  
25 shall record those that are susceptible of recordation to be  
26 recorded in the proper offices. Notwithstanding any provi-  
27 sion of this code to the contrary, the West Virginia Children's  
28 Home shall be managed and controlled by a superintendent  
29 appointed by the Commissioner of the Division of Human  
30 Services.

31 (d) The commissioner ~~is authorized to~~ may establish work  
32 and study release units as extensions and subsidiaries of  
33 those state institutions under his or her control and author-  
34 ity. The work and study release units may be coeducational

35 and shall be managed, directed and controlled as provided in  
36 this article.

37 (e) The commissioner may contract with nonprofit or  
38 charitable entities, including but not limited to nonprofit  
39 community mental health clinics operating half-way houses  
40 or transitional housing facilities for the placement of persons  
41 in the commissioner's custody, whether confined or under  
42 parole supervision, as long as such facilities meet standards  
43 and criteria established by the commissioner.

44 Circuit courts may, as an alternative to confinement in a  
45 jail or correctional facility, order a convicted person to serve  
46 his or her sentence in a facility authorized by the provisions  
47 of this subsection as a condition of probation: *Provided, That*  
48 the Division of Corrections is not responsible for the costs  
49 associated with housing a person in a half-way house or  
50 transitional housing facility in any case in which an individ-  
51 ual has been ordered by a circuit court to serve his or her  
52 sentence or any part thereof in a half-way house or transi-  
53 tional housing facility.

54 Nothing in this section prohibits the Division of Correc-  
55 tions from charging any inmate it places within half-way  
56 houses or transitional housing a reasonable sum calculated

57 to offset all or part of the costs of placement in a half-way  
58 house or transitional housing: *Provided*, That the division  
59 finds the inmate has the ability to pay the amount charged.

60 (f) Any person employed by the Office of Public Institu-  
61 tions who on the effective date of this article is a classified  
62 civil service employee shall, within the limits contained in  
63 section two, article six, chapter twenty-nine of this code,  
64 remain in the civil service system as a covered employee.