

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 566

(SENATORS WILLS AND FOSTER, *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT 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 or charitable entities, including but not limited to nonprofit community mental health clinics, operating half-way houses or transitional housing facilities for the placement of persons in the commissioner's custody, whether confined or under parole supervision; requiring persons with the ability to pay to reimburse the state for the costs of the placement; and requiring the Division of Corrections to provide certain information about the placements to the Governor.

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; reports to Governor.

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 Denmark 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 may contract with
17 the county commission of McDowell County to house and
18 incarcerate inmates at the Stevens Correctional Center
19 consistent with all requirements and standards governing the
20 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 of Corrections 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)(1) 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 (2)(A) The Commissioner of Corrections may direct that
45 a person who is placed in a half-way house or transitional
46 housing facility under this section make reimbursement to
47 the state in the amount of a reasonable sum calculated to
48 offset all or part of the costs of the placement.

49 (B) Prior to ordering the person to make the reimburse-
50 ment, the commissioner, or his or her designee, shall consider
51 the following:

52 (i) The person's ability to pay;

53 (ii) The nature and extent of the person's responsibilities
54 to his or her dependents, if any;

55 (iii) The length of probable incarceration under the
56 court's sentence; and

57 (iv) The effect, if any, that reimbursement might have on
58 the person's rehabilitation.

59 (f) The Division of Corrections shall provide the number
60 of persons placed in a half-way house or a transitional

61 housing facility pursuant to subsection (e) of this section in
62 its report made pursuant to section twenty, article one,
63 chapter five of this code, and shall describe its plans to use
64 the authority provided under the provisions of subsection (e)
65 of this section in furtherance of the duties and responsibili-
66 ties imposed by this article.

67 (g) Any person employed by the Office of Public Institu-
68 tions who on the effective date of this article is a classified
69 civil service employee shall, within the limits contained in
70 section two, article six, chapter twenty-nine of this code,
71 remain in the civil service system as a covered employee.

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

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2012.

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Governor