

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 610**

(By Senators Kessler (Mr. President) and M. Hall,  
By Request of the Executive)

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[Originating in the Committee on Government Organization;  
reported March 28, 2013.]

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A BILL to repeal §28-3-1a, §28-3-1b, §28-3-2, §28-3-4, §28-3-5, §28-3-6, §28-3-7, §28-3-8, §28-3-9, §28-3-10, §28-3-11, §28-3-12, §28-3-13, §28-3-14, §28-3-15, §28-3-16, §28-3-17 and §28-3-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §25-1-3 of said code; and to amend and reenact §28-3-1 of said code, all relating to state correctional and penal institutions; renaming the Industrial Home for Youth the Salem Correctional Center; transferring control of the Salem Correctional Center to the Division of Corrections; and

authorizing the Parkersburg Correctional Center and placing it under the control of the Division of Corrections.

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

That §28-3-1a, §28-3-1b, §28-3-2, §28-3-4, §28-3-5, §28-3-6, §28-3-7, §28-3-8, §28-3-9, §28-3-10, §28-3-11, §28-3-12, §28-3-13, §28-3-14, §28-3-15, §28-3-16, §28-3-17 and §28-3-18 of the Code of West Virginia, 1931, as amended, be repealed; that §25-1-3 of said code be amended and reenacted; and that §28-3-1 of said code be amended and reenacted, all to read as follows:

**CHAPTER 25. DIVISION OF CORRECTIONS.**

**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  
4 jurisdiction 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 Salem Correctional Center; and

17 Parkersburg Correctional Center.

18 (b) The Commissioner of Corrections may contract with  
19 the County Commission of McDowell County to house and

20 incarcerate inmates at the Stevens Correctional Center  
21 consistent with all requirements and standards governing the  
22 Division of Corrections.

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

33 (d) The Commissioner of Corrections may establish work  
34 and study release units as extensions and subsidiaries of those  
35 state institutions under his or her control and authority. The  
36 work and study release units may be coeducational and shall  
37 be managed, directed and controlled as provided in this  
38 article.

39 (e) (1) The commissioner may contract with nonprofit or  
40 charitable entities including, but not limited to, nonprofit  
41 community mental health clinics, operating half-way houses  
42 or transitional housing facilities for the placement of persons  
43 in the commissioner's custody, whether confined or under  
44 parole supervision, as long as such facilities meet standards  
45 and criteria established by the commissioner.

46 (2) (A) The Commissioner of Corrections may direct that  
47 a person who is placed in a half-way house or transitional  
48 housing facility under this section make reimbursement to the  
49 state in the amount of a reasonable sum calculated to offset  
50 all or part of the costs of the placement.

51 (B) Prior to ordering the person to make the  
52 reimbursement, the commissioner, or his or her designee,  
53 shall consider the following:

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

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

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

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

61 (f) The Division of Corrections shall provide the number  
62 of persons placed in a half-way house or a transitional  
63 housing facility pursuant to subsection (e) of this section in  
64 its report made pursuant to section twenty, article one,  
65 chapter five of this code, and shall describe its plans to use  
66 the authority provided under the provisions of subsection (e)  
67 of this section in furtherance of the duties and responsibilities  
68 imposed by this article.

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

**CHAPTER 28. STATE CORRECTIONAL  
AND PENAL INSTITUTIONS.**

**ARTICLE 3. INDUSTRIAL HOME FOR YOUTH.**

**§28-3-1. Renaming West Virginia Industrial Home for Youth as  
Salem Correctional Center; transferring control to  
Division of Corrections.**

1 (a) Effective July 1, 2013, the West Virginia Industrial  
2 Home for Youth shall be known as the Salem Correctional  
3 Center. The Salem Correctional Center is hereby transferred  
4 to the Division of Corrections.

5 (b) Commencing July 1, 2013, wherever the “West  
6 Virginia Industrial Home for Youth” is referred to in this  
7 code, it shall mean the “Salem Correctional Center”.