1 **Senate Bill No. 387**

2 (By Senators Cole, Blair, Carmichael, D. Hall, M. Hall, Jenkins,

3 McCabe, Walters, Williams and Nohe)

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5 [Introduced January 21, 2014; referred to the Committee on the

6 Judiciary; and then to the Committee on Finance.]

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9 A BILL to amend the Code of West Virginia, 1931, as amended, by

10 adding thereto a new section, designated §7-8-15, relating to

11 clarifying that duly authorized officers of the United States,

12 the District of Columbia or other states have legal custody of

13 their prisoners while they are in West Virginia.

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

15 That the Code of West Virginia, 1931, as amended, be amended

16 by adding thereto a new section, designated §7-8-15, to read as

17 follows:

18 **ARTICLE 8. JAIL AND JAILER.**

19 **§7-8-15. Transportation of out-of-state prisoners.**

20 (a) Whenever a duly authorized officer of the United States,

21 the District of Columbia or any other state transports a prisoner

22 through West Virginia to another state or the District of Columbia

23 or transports a prisoner into West Virginia and returns the

1 prisoner to the originating jurisdiction, the prisoner shall at all

2 times be in the legal custody of that authorized officer

3 responsible for transporting the prisoner.

4   (b) Given that duly authorized officers of other jurisdictions

5 often have a need to travel through or to this state with prisoners

6 for short durations of time, such as for medical treatment, the

7 purpose of this section is to clarify the authority and

8 jurisdiction of those officers of the United States, the District

9 of Columbia and other states while having custody of a prisoner

10 during the time they are in West Virginia.

    NOTE: The purpose of this bill is to clarify that duly
authorized officers of the United States, the District of Columbia
or other states have legal custody of their prisoners while they
are in West Virginia.

    This section is new; therefore, strike-throughs and
underscoring have been omitted.