

**Senate Bill No. 545**

(By Senators Laird and Cookman)

[Introduced February 12, 2014; referred to the Committee on the  
Judiciary; and then to the Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto two new sections, designated §49-5E-6a and  
§49-5E-6b, all relating to the Division of Juvenile Services;  
authorizing the Director of Juvenile Services to establish  
juvenile trustee accounts and funds for earnings and personal  
property of juveniles; creating a juvenile benefit fund; and  
including residents of the Division of Juvenile Services as a  
division designated to receive and disburse such funds.

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

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto two new sections, designated §49-5E-6a and  
§49-5E-6b, all to read as follows:

**ARTICLE 5E. DIVISION OF JUVENILE SERVICES.**

**§49-5E-6a. Juvenile Trustee accounts and funds, earnings and**

1                   **personal property of juveniles.**

2           (a) The Director of Juvenile Services may to establish at each  
3 facility under his or her jurisdiction a "Juvenile Trustee Fund".  
4 The administrator or designee of each facility may receive and take  
5 charge of the money and personal property, as defined by policy, of  
6 all juveniles in his or her facility and all money or personal  
7 property, as defined by policy, sent to the juveniles or earned by  
8 the juveniles as compensation for work performed while they are  
9 domiciled there. The administrator or designee shall credit the  
10 money and earnings to the juveniles entitled to it and shall keep  
11 an accurate account of all the money and personal property so  
12 received, which account is subject to examination by the Director  
13 of Juvenile Services and the Division of Juvenile Service's  
14 Assistant Director of Budget and Finance. The administrator or  
15 designee shall deposit the moneys in one or more responsible banks  
16 in accounts to be designated a "Juvenile Trustee Fund".

17           (b) The administrator or designee shall keep in an account for  
18 all juveniles at least ten percent of all money earned during the  
19 juvenile's commitment and pay the money to the juvenile at the time  
20 of the juvenile's release. The administrator or designee may  
21 authorize the juvenile to withdraw money from his or her mandatory  
22 savings for the purpose of preparing the juvenile for reentry into  
23 society.

24           (c) The administrator or designee shall deliver to the

1 juvenile at the time he or she leaves the facility, or as soon as  
2 practicable after departure, all personal property, moneys and  
3 earnings then credited to the juvenile, or in case of the death of  
4 the juvenile before authorized release from the facility, the  
5 administrator or designee shall deliver the property to the  
6 juvenile's personal representative. If a conservator is appointed  
7 for the juvenile while he or she is domiciled at the facility, the  
8 administrator or designee shall deliver to the conservator, upon  
9 proper demand, all moneys and personal property belonging to the  
10 juvenile that are in the custody of the administrator.

11 (d) If any money is credited to a former juvenile resident  
12 after remittance of the sum of money as provided in subsection (c),  
13 the administrator or designee shall mail the funds to the former  
14 juvenile resident's last known address. If the funds are returned  
15 to the facility the administrator or designee will forward those  
16 funds to the Division of Juvenile Service's Assistant Director of  
17 Budget and Finance to submit the funds to the State Treasurer's  
18 Office-Unclaimed Property Division.

19 (e) The facility shall compile a monthly report that  
20 specifically documents juvenile trustee fund receipts and  
21 expenditures and submit the reconciled monthly bank statements to  
22 the Division of Juvenile Service's Assistant Director of Budget and  
23 Finance.

24 **§49-5E-6b. Juvenile benefit funds.**

1           (a) The Director of Juvenile Services may establish at each  
2 facility under his or her jurisdiction a juvenile benefit fund. The  
3 juvenile benefit fund is a fund held by the facility for the  
4 benefit and welfare of juvenile residents committed in state  
5 juvenile facilities. The administrator or designee shall deposit  
6 the moneys in one or more responsible banks in accounts to be  
7 designated a "Juvenile Benefit Funds".

8           (b) Moneys in an account established for a juvenile benefit  
9 fund may be expended by the facility for the purposes set forth in  
10 this section. Moneys to be deposited into a juvenile benefit fund  
11 consist of:

12           (1) All profit from the exchange or commissary operation and,  
13 if the commissary is operated by a vendor, whether a public or  
14 private entity, the profit is the negotiated commission paid to the  
15 Division of Juvenile Services by the vendor;

16           (2) All net proceeds from vending machines used for juvenile  
17 resident visitation;

18           (3) All proceeds from contracted juvenile resident telephone  
19 commissions;

20           (4) Any funds that may be assigned by juveniles or donated to  
21 the facility by the general public or a service organization on  
22 behalf of all the juveniles; and

23           (5) Any funds confiscated considered contraband.

24           (c) The juvenile benefit fund may only be used for the

1 following purposes at juvenile facilities:

2 (1) Open-house visitation functions or other non-routine  
3 campus-wide activities which will enhance programming goals of the  
4 facility;

5 (2) Holiday functions which may include decorations, food and  
6 gifts for residents or family of residents;

7 (3) Rental of videos;

8 (4) Payment of video license;

9 (5) Supplemental supplies and equipment which will enrich the  
10 facilities' program activities;

11 (6) Hardship needs for juvenile residents if approved by the  
12 Division of Juvenile Services' Director; and

13 (7) Any special activities or rewards for residents.

14 (d) The facility shall compile a monthly report that  
15 specifically documents juvenile benefit fund receipts and  
16 expenditures and submit the reconciled monthly bank statements to  
17 the Division of Juvenile Services Assistant Director of Budget and  
18 Finance.

NOTE: The purpose of this bill is to allow the Division of Juvenile Services to maintain trustee bank accounts, earnings and property for its residents in the same manner as accounts are handled by the Division of Corrections; and to create a resident benefit fund for the benefit and welfare of the residents domiciled in any state juvenile facility and for the benefit of the victims.

§49-5E-6a and §49-5E-6b are new; therefore, strike-throughs and underscoring have been omitted.