

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

### **Originating**

## **House Bill 4621**

BY DELEGATES C. MILLER, ANDERSON, FRICH, HAMILTON,  
STORCH, WALTERS, WESTFALL, BOGGS, LONGSTRETH,  
SPONAUGLE AND MAYNARD

[Originating in the Committee on Finance;

Reported on February 16, 2018.]



1 A BILL to amend and reenact §17-15-4 of the Code of West Virginia, 1931, as amended, relating  
2 to removing reference to certain entities with respect to work performed by prisoners; and  
3 relating to incarceration sentence reduction for the performance of certain approved work.

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

**ARTICLE 15. COUNTY CONVICT ROAD FORCE.**

**§17-15-4. Work by prisoners; relief of sheriffs and others from liability for injuries, etc.**

1 (a) Any person convicted of a criminal offense and sentenced to confinement in a county  
2 or regional jail ~~shall~~ may, as incident to such sentence of confinement, be required to perform  
3 labor within the jail, as a trustee or otherwise, or in and upon the buildings, grounds, institutions,  
4 roads, bridges, streams or other public works of the county or the area within which the regional  
5 jail is located if he or she meets the following criteria:

6 (1) Such person is at least eighteen years of age;

7 (2) Such person is physically and mentally sound and has not been exempted for medical  
8 reasons from such work by a licensed physician or other medical professional; and

9 (3) Such person is considered by ~~the county commission~~, the sheriff or the executive  
10 director of the West Virginia Regional Jail Authority or designee not to pose a threat to the  
11 community if released for work purposes.

12 (b) The work described in subsection (a) of this section shall be performed under the  
13 supervision, care and custody of ~~the county commission~~, the executive director of the West  
14 Virginia Regional Jail Authority or designee, the sheriff, his or her deputies, correctional officers  
15 or other persons charged with inmate supervision to perform maintenance or control litter in this  
16 state.

17 (c) In order to effectuate the provisions of this section, ~~the county commission~~, the sheriff  
18 or the executive director of the West Virginia Regional Jail and Correctional Facility Authority or  
19 designee shall promulgate rules for the safe and useful employment of inmate labor.

20 (d) Notwithstanding any provision of this code to the contrary, ~~the county commission, its~~  
21 ~~members and agents,~~ the executive director of the West Virginia Regional Jail Authority or  
22 ~~designee~~ its designee, members ~~or~~ and agents, the sheriff, his or her deputies, correctional  
23 officers and agents shall be immune from liability of any kind for accidents, injuries or death to  
24 such inmate except for accident, injury or death resulting directly from gross negligence or  
25 malfeasance.

26 (e) The sheriff of the county in which the work is to be performed, with the approval of ~~the~~  
27 ~~county commission or~~ the executive director of the West Virginia Regional Jail Authority or  
28 designee, may hire or appoint any personnel necessary for the supervision of inmate labor.

29 (f) Nothing in this section shall be construed to allow the use of inmate labor for private  
30 projects or as contract employees of for profit businesses.

31 (g) Any inmate who performs work pursuant to the provisions of this section shall receive,  
32 as sole and full compensation therefor, ~~a reduction in his or her term of incarceration of not more~~  
33 ~~than twenty five percent of the original sentence excluding any other statutorily granted "good~~  
34 ~~time." Each eight hour period of approved work shall entitle an inmate to one day's sentence~~  
35 ~~reduction:~~ a reduction in his or her term of incarceration by one day for every eight hours of  
36 approved work: *Provided,* That any ~~"good time"~~ reduction of sentence earned pursuant to the  
37 provisions of this section shall be in addition to any other reduction of sentence the inmate may  
38 accumulate.

39 (h) Any person being held as a detainee or for contempt may voluntarily participate in such  
40 labor as provided for in this section under the terms and conditions hereinbefore set forth.