

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2116**

BY DELEGATE HOWELL

[Introduced January 9, 2019; Referred  
to the Committee on the Judiciary then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §25-8-1, relating to monitoring, copying and emailing certain inmate mail; and  
 3 requiring a waiver.

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

**ARTICLE 8. MONITORING INMATE MAIL.**

**§25-8-1. Monitoring, copying and emailing certain inmate mail; waiver required.**

1 (a) The Commissioner of Corrections or his or her designee shall monitor, open, review,  
 2 copy, and scan outgoing mail addressed to judicial, legislative or executive branch official or  
 3 employee from inmates of state or county correctional institutions and individuals in custody of  
 4 those institutions in accordance with the following provisions:

5 (1) The judicial, legislative or executive branch official or employee has given permission  
 6 to the commissioner to do so and has signed a waiver in accordance with §25-8-1(b) of this code;

7 and

8 (2) Only the commissioner and his or her designee shall have access to those inmates'  
 9 mail.

10 (b) The waiver required by §25-8-1(a)(1) of this code shall be in the following form:

11 I hereby give permission and execute this waiver for the [name of correctional facility] to  
 12 open and scan mail addressed and/or to be sent to me by an inmate or other individual in custody  
 13 of this facility. That scanned copy shall then be emailed or faxed to me at the address identified  
 14 below. The facility may keep, file and maintain the original correspondence in a manner it deems  
 15 appropriate. The facility also has the option of shredding and securely disposing the  
 16 correspondence. This executed waiver has been sent to the facility either by email or fax and shall  
 17 be kept in the affected inmate's file.

18 \_\_\_\_\_

19 Printed or typed name of official and name of his or her government office.

20 \_\_\_\_\_

21

22        Signature and Date

23

\_\_\_\_\_

24        Office Phone Number

25

\_\_\_\_\_

26        Office Fax Number

27

\_\_\_\_\_

28        Email Address

NOTE: The purpose of this bill is to provide for the monitoring, copying and emailing certain inmate mail. The bill requires a waiver.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.