

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4840**

BY DELEGATE STEELE

[Introduced February 11, 2020; Referred to the  
Committee on the Judiciary then Finance]

1 A BILL to amend and reenact §15A-2-1 of the Code of West Virginia, 1931, as amended, relating  
2 to dividing pretrial detention jail costs between arresting authorities.

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

## **ARTICLE 2. DIVISION OF ADMINISTRATIVE SERVICES.**

### **§15A-2-1. Division of Administrative Services.**

1 (a) The Division of Administrative Services is created within the department to perform the  
2 administrative services for identified agencies within the department.

3 (b) The Division of Administrative Services shall provide fiscal services, payroll services,  
4 human resources services, and procurement services for the Division of Corrections and  
5 Rehabilitation, created in §15A-3-1 *et seq.* of this code, and any other agencies or boards required  
6 by the secretary: *Provided*, That the secretary may not require the administrative services of the  
7 State Police, the West Virginia National Guard, or the West Virginia Military Authority be provided  
8 by the Division of Administrative Services. The division is the designated staffing agency for, and  
9 shall provide executive and administrative support to, the Governor's Committee on Crime,  
10 Delinquency and Correction, and all of its subcommittees, in the coordination of planning for the  
11 criminal justice system and administering federal and state grant programs assigned to it by the  
12 actions of the Governor or Legislature.

13 (c) The State Police, the West Virginia National Guard, and the West Virginia Military  
14 Authority may elect to utilize the services of the Division of Administrative Services. The Director  
15 of the Division of Administrative Services is authorized to enter into a memorandum of  
16 understanding with the head of the State Police, the West Virginia National Guard, or the West  
17 Virginia Military Authority to effectuate this utilization.

18 (d) The division may apply for grants and other funding from federal or state programs,  
19 foundations, corporations and organizations which funding is consistent with its responsibilities  
20 and the purposes assigned to it or the subcommittees it staffs. The Division of Administrative  
21 Services is hereby designated as the state administrative agency responsible for criminal justice

22 and juvenile justice systems, and various component agencies of state and local government, for  
23 the planning and development of state programs and grants which may be funded by federal,  
24 state or other allocations in the areas of public safety, community corrections, law-enforcement  
25 training and compliance, sexual assault forensic examinations, victim services, human trafficking,  
26 and juvenile justice unless such administration has been specifically entrusted to another state  
27 agency by the Legislature. The division is empowered to comply with all regulations and  
28 requirements to qualify for such grants funded by federal, state or other allocations and to  
29 administer such funds.

30 (e) Notwithstanding any other provision of this code to the contrary, whenever in this code,  
31 or a rule promulgated thereunder, a reference is made to the Director of the Division of Justice  
32 and Community Services, it shall be construed to mean the Director of the Division of  
33 Administrative Services. Whenever in this code, or a rule promulgated thereunder, a reference is  
34 made to the Division of Justice and Community Services, it shall be construed to mean the  
35 Division of Administrative Services.

36 (f) Notwithstanding any other provision of this code to the contrary, Class I and Class II  
37 municipal corporations, as defined in §8-1-3 of this code, shall reimburse the Division of  
38 Administrative Services for the pretrial detention costs of housing persons arrested by law-  
39 enforcement agents of those municipalities: *Provided*, That a specific state agency shall  
40 reimburse the division for the pretrial detention costs of housing persons arrested by that agency,  
41 and county commission corporations shall reimburse the division for the pretrial detention costs  
42 of housing persons arrested by the county's sheriff's department: *Provided, however*, That in the  
43 instance a person is arrested by members of a multi-jurisdictional or interagency task force, the  
44 pretrial detention costs of the arrestee shall be borne by the entities comprising the task force  
45 pursuant to a memorandum of understanding or other agreement.

NOTE: The purpose of this bill is to divide the responsibility for pretrial detention jail costs

between arresting authorities.

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