

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4682**

BY DELEGATE HORNBUCKLE

[Introduced February 15, 2022; Referred to the Committee  
on Select Committee on Jails and Prisons then the  
Judiciary]

1 A BILL to amend and reenact §15A-3-4 of the Code of West Virginia, 1931, as amended, relating  
2 to requiring correctional facilities to assist juvenile and adult offenders to obtain a Social  
3 Security number and card, a birth certificate, and a driver's license.

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

### **ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.**

#### **§15A-3-4. Powers and duties of commissioner generally.**

1 (a) The commissioner, in order to carry out the purposes and intent of this chapter, shall:  
2 (1) Exercise general supervision over the administration of the institutions under the  
3 jurisdiction of the division;  
4 (2) Establish separate subdivisions, including a Bureau of Prisons and Jails, a Bureau of  
5 Juvenile Services, and a Bureau of Community Corrections, each to be headed by assistant  
6 commissioners, and other subdivisions as he or she deems advisable, which may be headed by  
7 one of the assistant commissioners, or by deputy directors. Nothing herein shall prohibit the  
8 commissioner from appointing the same person to head more than one subdivision;  
9 (3) Establish rules, policies, and regulations in writing governing all subdivisions and  
10 institutions within the division;  
11 (4) Establish an appropriate training program for personnel of the division;  
12 (5) Classify the institutions of the division, varying according to the factors as security  
13 features, program, age, and sex of inmates, physical stature or size, character of inmates;  
14 (6) Establish a system of classification of inmates and residents, through a reception and  
15 examination procedure;  
16 (7) Cooperate with the Department of Education in providing for the education of inmates  
17 and residents in all institutions within the division, as provided in §18-2-13f of this code and any  
18 other provision of this code;  
19 (8) Supervise the treatment, custody, and discipline of all inmates and residents and the  
20 maintenance of the institutions and their industries;

21 (9) Establish a system of compensation for inmates and residents of the institutions of the  
22 state who perform good and satisfactory work either within the industrial program or in the  
23 servicing and maintenance of the institutions or any other institutions or camps within the state.  
24 The commissioner, or his or her designee, may establish a graduated scale of compensation to  
25 be paid to inmates and residents in accordance with their skill in industry; and

26 (10) Subject to the provisions in §25-1A-5 of this code, provide for the transportation of  
27 inmates between the jails and local holding facilities for court appearances.

28 (b) The commissioner, in order to carry out the purposes and intent of this chapter, may:

29 (1) Appoint a deputy commissioner to assist in the day to day operations of the division;

30 (2) Employ professional and support staff, including, but not limited to, certified public  
31 accountants, attorneys, assistants, and other employees as necessary for the efficient operation  
32 of the division;

33 (3) Acquire, own, hold, and dispose of property, real and personal, tangible and intangible;

34 (4) Lease property, whether as a lessee or lessor;

35 (5) Conduct examinations and investigations and hear testimony and take proof, under  
36 oath or affirmation;

37 (6) Issue subpoenas requiring the attendance of witnesses and the production of books  
38 and papers relevant to any hearing before the commissioner, or his or her designee, to conduct  
39 any hearing;

40 (7) Apply to the circuit court having venue of the offense to have punished for contempt  
41 any witness who refuses to obey a subpoena, refuses to be sworn or affirmed, or refuses to testify,  
42 or who commits any contempt after being summoned to appear;

43 (8) Sue and be sued, implead, and be impleaded, and complain and defend in any court;

44 (9) Propose rules for legislative approval for the management and regulation of the affairs  
45 of the division pursuant to the provisions of §29A-3-1 *et seq.* of this code;

46 (10) Make policies for the management and regulation of the affairs of the divisions;

47 (11) Make contracts of every kind and nature and to execute all instruments necessary or  
48 convenient for carrying on its business, including contracts with any other governmental agency  
49 of this state or of the federal government or with any person, individual, partnership, or corporation  
50 to affect any or all of the purposes of this chapter;

51 (12) Accept gifts or grants of property, funds, security interests, money, materials, labor,  
52 supplies, or services from the United States of America or from any governmental unit or any  
53 person, firm, or corporation, acceptance or disposition of gifts or grants; and

54 (13) Designate a facility as a rehabilitation facility; a rehabilitation facility may utilize  
55 recommendations on programming from West Virginia higher education institutions and share  
56 statistical data with the same institutions for study on the effectiveness of services provided by  
57 the institution.

58 (14) Require that the division work with juveniles and adult offenders, from the time of their  
59 arrival in a correctional facility, to obtain a Social Security Number and card, a birth certificate,  
60 and a driver's license, unless the inmate was convicted of an offense involving the unlawful  
61 operation of a motor vehicle. These items shall be provided the offenders prior to their release  
62 from the correctional facility.

NOTE: The purpose of this bill is to require correctional facilities to assist juvenile and adult offenders to obtain a Social Security number and card, a birth certificate, and a driver's license.

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