

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2142

By Delegate Hornbuckle

[Introduced January 11, 2023; Referred to the 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~~ may 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 be
25 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 any
41 witness who refuses to obey a subpoena, refuses to be sworn or affirmed, or refuses to testify, or
42 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 of
49 this state or of the federal government or with any person, individual, partnership, or corporation to
50 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 the
57 institution; and

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, and
60 a driver's license, unless the inmate was convicted of an offense involving the unlawful operation
61 of a motor vehicle. These items shall be provided the offenders prior to their release from the
62 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.