

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3253

By Delegate Westfall

[By Request of the Auditor's Office]

[Introduced February 03, 2023; Referred to the
Committee on Finance]

1 A BILL to amend and reenact §15A-3-17 of the Code of West Virginia, 1931, as amended, relating
2 to appropriations to the Jail Operations Partial Reimbursement Fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.

§15A-3-17. Jail Operations Partial Reimbursement Fund.

1 (a) There is continued in the State Treasury the Jail Operations Partial Reimbursement
2 Fund.

3 (b) Revenues deposited into this fund shall be composed of fees collected by magistrate
4 courts pursuant to §50-3-2(a) of this code, and by circuit courts pursuant to §59-1-11 of this code.

5 (c) Revenues deposited into this fund shall be used to reimburse those counties and
6 municipalities participating in the jail system for the cost of incarceration.

7 (d) The State Treasurer shall, in cooperation with the division, administer the fund. The
8 State Treasurer shall determine the amount of funds available for reimbursement and, upon
9 receiving a report from the commissioner containing the total number of inmate days in the fiscal
10 year immediately concluded, the State Treasurer shall calculate the reimbursement to each
11 participant based upon a pro rata share formula: *Provided*, That only counties and municipalities
12 that, on July 1 of each year, are not more than 90 days delinquent in payments for moneys to
13 incarcerate its offenders are eligible to receive this reimbursement: *Provided, however*, That the
14 pro rata share formula shall not include the counties or municipalities which are not entitled to
15 reimbursement pursuant to this section: *Provided further*, That should the State general revenue
16 fund experience a surplus at the end of any given budget year, the Legislature shall appropriate
17 sufficient surplus funding to the Jail Operations Partial Reimbursement Fund necessary to
18 reimburse all eligible counties in full.

19 (e) A participant's share shall be comparable with its total of inmate days, which shall
20 consist of the number of inmates it contributed to the regional jail system and the number of days
21 those inmates remained incarcerated.

- 22 (f) A participant's share shall be disbursed annually, within 90 days of July 1 each year, as
23 provided in §15A-3-17(d) of this section.

NOTE: The purpose of this bill is to provide sufficient funding to the Jail Operations Partial Reimbursement Fund if a general revenue surplus exists in a given fiscal year.

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