

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4842

By Delegate Young

[Introduced January 17, 2024; Referred to the
Committee on Jails and Prisons then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §15A-4-22, relating to the creation of the Basic Affordable Supplies for
 3 Incarcerated West Virginians Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. CORRECTIONS MANAGEMENT.

§15A-4-22. Basic Affordable Supplies for Incarcerated West Virginians Act.

1 This act shall be known, and may be cited, as the Basic Affordable Supplies for
 2 Incarcerated West Virginians Act.

3 The Legislature finds and declares the following:

4 (a) It is essential that West Virginians and their loved ones are protected from price
 5 gouging and excessive cost pressures related to incarceration that negatively impact their
 6 financial stability. Research shows that economic stability is critical to preventing recidivism and
 7 supporting positive reentry outcomes. West Virginia has codified the Inmate or resident benefit
 8 funds in §15A-4-10, but this fund cannot compensate for the extreme prices charged to people
 9 who are incarcerated.

10 (b) Despite incarcerated persons making less than minimum wage, they are still expected
 11 to pay the market rate, or above the market rate, for essential items that are sold at the canteen.
 12 This cost is in addition to any accompanying fees, fines, or debt accumulated before and during
 13 incarceration.

14 (c) Items sold in prison canteen stores are integral to the health and well-being of
 15 incarcerated people. Items purchased are primarily essential goods, including food, personal
 16 hygiene products, over the counter medication, health products, and stationery to maintain
 17 communication with loved ones. Research shows that many incarcerated people rely on canteen
 18 purchases for a majority of their caloric intake, and that the quality and quantity of food and
 19 personal care items provided by prisons is inadequate to sustain a healthy life. For incarcerated
 20 people with chronic medical conditions, the ability to purchase ointments and medications at a

21 canteen is critical to the management of their health.

22 (d) There is momentum across the nation to limit markups on canteen and commissary
23 markups in multiple states, including, among others, the States of Nebraska, Nevada,
24 Massachusetts, and Virginia.

25 (e) The Division of Corrections and Rehabilitation shall maintain a canteen at an active
26 prison or institution under its jurisdiction for the sale to incarcerated persons of toilet articles,
27 candy, notions, and other sundries, and shall provide the necessary facilities, equipment,
28 personnel, and merchandise for the canteen. The superintendent, as defined in §15A-3-5 of the
29 West Virginia Code, of the institution shall specify what commodities shall be sold in the canteen.
30 The sale prices of the articles offered for sale shall not exceed 10 percent above the amount paid
31 to the vendors. The department shall undertake to insure against damage or loss of canteen and
32 handicraft materials, supplies, and equipment owned by the Inmate Welfare Fund as provided in
33 §15A-4-10 of this code.

34 (f) All management and accounting practices mandated in W. Va. Code R. § 95-2-3.19,
35 §95-2-3.20, §95-2-3.21 will be amended to reflect this change if necessary.

NOTE: The purpose of this bill is to create the Basic Affordable Supplies for Incarcerated West Virginians Act.

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