

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5337

By Delegates Kelly, Hott, Ward, Kump, Fehrenbacher,

Mallow, Pinson, Shamblin, Kirby, and Westfall

[Introduced January 29, 2024; Referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §15A-3-19, and to repeal §31-20-26 of said code, all relating to establishing the
3 legislative oversight committee of the Division of Corrections and Rehabilitation; clarifying
4 that the legislative oversight committee shall be charged with the immediate and ongoing
5 oversight of the Division of Corrections and Rehabilitation's juvenile detention facilities and
6 adult correctional facilities; and providing for executive sessions of the committee in certain
7 circumstances.

Be it enacted by the Legislature of West Virginia:

CHAPTER 15A. DEPARTMENT OF HOMELAND SECURITY.

ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.

§15A-3-19. Legislative oversight committee.

1 (a) The President of the Senate and the Speaker of the House of Delegates shall each
2 designate five members of their respective houses, at least one of whom shall be a member of the
3 minority party, to serve on a Legislative Oversight committee charged with immediate and ongoing
4 oversight of the division, and functions and duties of the division created by this article.

5 (b) This committee shall report on the implementation of the purposes set forth in §15A-3-1
6 of this code.

7 (1) Specifically, the committee shall study and make recommendations to the Legislature
8 as to the revision of the system of classifying adult inmates, with a view variously to decreasing the
9 prison population confined in "maximum security" facilities and to designating and meeting the
10 needs of inmates classified as elderly, disabled or otherwise handicapped.

11 (2) The committee may study and make recommendations to the Legislature relating to the
12 system of juvenile detention and juvenile corrections.

13 (3) The committee shall regularly investigate all matters relating to integrity, probity and
14 foresight in funding, operating and planning the correctional system on state, regional and county

15 levels, and may include the planning, funding, constructing and operating of juvenile detention and
16 correctional facilities.

17 (4) The committee may call upon the division for any information the committee considers
18 advisable, and the division shall promptly provide the committee with any information or document
19 requested for the purposes of carrying out the duties set forth in this section.

20 (5) The committee shall study and inform the state judiciary of the impact of sentencing on
21 the composition of the prison population in proportion to the use of facilities.

22 (6) It shall recommend alternatives to long-term sentencing and shall recommend
23 measures to improve the quality of correctional staff and facilitate nonconfrontational contacts with
24 inmates.

25 (7) The committee shall investigate means to structure inmates' time to ensure genuine
26 and willing reaccommodations to societal norms; shall probe and coordinate all available means
27 for funding state, regional and county correctional facilities; and shall contract with penal experts to
28 study these issues in appropriate depth and perspective.

29 (8) Annually, to predict a prudent use of available funds, the committee shall study the
30 profile of the inmate population with regard to its age and social background and needs.

31 (c) The committee shall recommend to the Legislature the funding required to execute
32 these functions. It shall meet regularly with the division to determine what may be required for full
33 and timely compliance with all federal mandates and court-ordered changes in the correctional
34 system and shall recommend funding for these changes.

35 (d) The committee may conduct proceedings in a confidential executive session for the
36 purpose of reviewing an official internal investigation of a correctional or juvenile facility, reviewing
37 nonpublic operational procedures relating to the safe and secure management of inmates and
38 residents, or questioning a witness or witnesses in the scope of any such reviews.

CHAPTER 31. CORPORATIONS.

**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY
AUTHORITY.**

§31-20-26. Legislative oversight committee.

1 [Repealed.]

NOTE: The purpose of this bill is to establish the legislative oversight committee of the Division of Corrections and Rehabilitation; clarify that the legislative oversight committee shall be charged with the immediate and ongoing oversight of the Division of Corrections and Rehabilitation's juvenile detention facilities and adult correctional facilities; and provide for executive sessions of the committee in certain circumstances.

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