WEST VIRGINIA CODE CHAPTER 15 ARTICLE 9

WV Legislature

§15-9-1. Governor's Committee on Crime, Delinquency and Correction established; Committee designated as state planning.

(a) The Legislature hereby continues and reconstitutes the Governor's Committee on Crime, Delinquency and Correction.

(b) The committee is composed of the following members:

(1) The Secretary of the Department of Military Affairs and Public Safety, who shall serve as chair;

(2) The chair of the juvenile justice subcommittee;

(3) The chair of the community corrections subcommittee created by section two, article eleven-c, chapter sixty-two of this code;

(4) The chair of the law-enforcement professional standards subcommittee created by section two, article twenty-nine, chapter thirty of this code;

(5) The chair of the sexual assault forensic examination commission created by section one, article nine-b, chapter fifteen of this code;

(6) The Superintendent of the State Board of Education;

(7) A representative of a post-secondary education system in this state to be appointed by the Governor. This person shall be appointed on or before July 1, 2015, for an initial term of two years and then shall be appointed for subsequent terms of four years;

(8) A representative of a faith-based organization to be appointed by the Governor. This person shall be appointed on or before July 1, 2015, for an initial term of two years and then shall be appointed for subsequent terms of four years;

(9) The Administrative Director of the Supreme Court of Appeals who shall serve as an ex officio, nonvoting member;

(10) The Executive Director of the West Virginia Prosecuting Attorneys Institute, established pursuant to section six, article four, chapter seven of this code; and

(11) The Executive Director of the West Virginia Public Defender Services, established pursuant to section three, article twenty-one, chapter twenty-nine of this code.

(c) After initial appointment, members appointed by the Governor pursuant to subsection (b) of this section shall serve for a term of four years from his or her appointment and are eligible for reappointment to that position. A person may not be appointed to the committee who is already a member of the committee by virtue of his or her title or occupation.

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(d) All members appointed to the committee shall serve until his or her successor has been duly appointed.

(e) The Legislature hereby designates the Governor's Committee on Crime, Delinquency and Correction as the state planning agency required for participation by the State of West Virginia in programs provided by the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 United States Code, sections 3701 through 3796c, inclusive) and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (42 United States Code, section 5601).

(f) The chair of the Governor's Committee on Crime, Delinquency and Corrections shall:

(1) Appoint members and fill vacancies in the membership of the subcommittees in accordance with the statutory provisions governing such appointments.

(2) Call meetings of the committee at least quarterly, and at such other times as he or she may direct, or upon request of a majority of the members of the committee.

(g) The Director of the Division of Justice and Community Services shall serve as the Executive Director of the Governor's Committee on Crime, Delinquency and Correction and of its subcommittees and the Division of Justice and Community Services shall provide staff support.

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§15-9-2. Facility inspection.

The Governor's Committee on Crime, Delinquency and Correction or its designee shall annually visit and inspect jails, detention facilities, correctional facilities, facilities which may hold juveniles involuntarily or any other juvenile facility which may temporarily house juveniles on a voluntary or involuntary basis for the purpose of compliance with standards promulgated by the juvenile facilities standards commission, pursuant to section nine-a, article twenty, chapter thirty-one of this code and with the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and compliance with the Prison Rape Elimination Act, pursuant to 42 U. S. C §15601, and related statutes or regulations.

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§15-9-3. Ascertaining compliance with applicable standards in juvenile detention and correctional facilities.

The Governor's Committee on Crime, Delinquency and Correction or its designee shall ascertain the compliance of juvenile detention and juvenile correctional facilities operated by or under contract with the Division of Juvenile Services, created pursuant to §49-2-902 of this code, with standards for the structure, physical plant, operation, and maintenance of the facilities, promulgated by the juvenile facility standards commission, pursuant to §31-20-9a of this code: Provided, That the review shall not include educational programs in the facilities.

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§15-9-4. Sentencing Commission Subcommittee.

Effective July 1, 2020, the Governor's Committee on Crime, Delinquency, and Correction shall establish a subcommittee to be known as the West Virginia Sentencing Commission. To the extent requested or necessary, the commission shall be staffed and supported by the Division of Administrative Services of the Department of Military Affairs and Public Safety. The commission, by and through the division, may seek and use funding and grants in furtherance of the purposes and mission of the commission.

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§15-9-5. Authorization to adopt bylaws, policies and procedures, and to promulgate legislative rules.

The Governor's Committee on Crime, Delinquency and Correction may adopt and modify bylaws, policies and procedures for the conduct of its meetings and the operation of the committee. The Governor's Committee on Crime, Delinquency and Correction may propose legislative rules, for legislative approval, pursuant to article three, chapter twenty-nine-a of this code, for purposes consistent with this act and any responsibilities assigned to it.

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§15-9-6. Other responsibilities of the committee.

(a) The committee shall receive reports from the subcommittees and direct those reports to be filed with the Governor and the Joint Committee on Government and Finance on or before September 30 of each year.

(b) The committee may direct by vote its executive director, staff or any subcommittee to perform tasks related to the purposes of this article, including seeking funding for programs and grants, implementing criminal justice programs authorized by this code or rule, administering funding and grants, researching findings and recommendations, coordinating resources, and any other task or responsibility related to the purposes of this article.

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§15-9-7. Coordinated program for substance abuse treatment referral.

(a) The committee shall, on or before December 31, 2020, establish a program to coordinate with state, county, and local law enforcement, the Board of Medicine, the Board of Osteopathic Medicine, and the Board of Pharmacy to develop policies and protocols for law enforcement and medical professionals to create treatment referral programs for persons suffering from substance use disorder which:

(1) Allow for the surrender of illegal controlled substances or unlawfully possessed controlled substances to law enforcement or medical professionals for destruction; and

(2) Establish a confidential treatment referral program for persons presenting themselves as suffering from substance use disorder.

(b) A person voluntarily seeking assistance through a program developed pursuant to this section shall:

(1) Not be placed under arrest;

(2) Not be prosecuted for the possession of any controlled substance or drug paraphernalia already ingested or surrendered; and

(3) Be promptly referred to a community-based mental health center, medical provider, or other entity in substance use treatment.

(c) Nothing in this section may be construed to effect criminal charges which may exist independent of the controlled substance ingested or surrendered or paraphernalia surrendered.

(d) Except for willful misconduct, any law-enforcement officer or medical professional providing services or a referral under this section is immune from criminal or civil liability.

(e) The committee and the medical professional boards referenced in this section shall propose rules for legislative approval pursuant to §29A-3-1 *et seq*. of this code and may promulgate emergency rules pursuant to §29A-3-15 of this code to effectuate the purposes of this section.

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