

WEST VIRGINIA CODE: §17-15-4

§17-15-4. Work by prisoners; relief of sheriffs and others from liability for injuries, etc.

Any person convicted of a criminal offense and sentenced to confinement in a county or regional jail may, as incident to such sentence of confinement, be required to perform labor within the jail, as a trustee or otherwise, or in and upon the buildings, grounds, institutions, roads, bridges, streams or other public works of the county or the area within which the regional jail is located if he or she meets the following criteria:

- (1) Such person is at least eighteen years of age;
- (2) Such person is physically and mentally sound and has not been exempted for medical reasons from such work by a licensed physician or other medical professional; and
- (3) Such person is considered by the sheriff or the executive director of the West Virginia Regional Jail Authority or designee not to pose a threat to the community if released for work purposes.

(b) The work described in subsection (a) of this section shall be performed under the supervision, care and custody of the executive director of the West Virginia Regional Jail Authority or designee, the sheriff, his or her deputies, correctional officers or other persons charged with inmate supervision to perform maintenance or control litter in this state.

(c) In order to effectuate the provisions of this section, the sheriff or the executive director of the West Virginia Regional Jail and Correctional Facility Authority or designee shall promulgate rules for the safe and useful employment of inmate labor.

(d) Notwithstanding any provision of this code to the contrary, the executive director of the West Virginia Regional Jail Authority or its designee, members and agents, the sheriff, his or her deputies, correctional officers and agents shall be immune from liability of any kind for accidents, injuries or death to such inmate except for accident, injury or death resulting directly from gross negligence or malfeasance.

(e) The sheriff of the county in which the work is to be performed, with the approval of the executive director of the West Virginia Regional Jail Authority or designee, may hire or appoint any personnel necessary for the supervision of inmate labor.

(f) Nothing in this section shall be construed to allow the use of inmate labor for private projects or as contract employees of for-profit businesses.

(g) Any inmate who performs work pursuant to the provisions of this section shall receive, as

sole and full compensation therefor, a reduction in his or her term of incarceration by one day for every eight hours of approved work: Provided, That any reduction of sentence earned pursuant to the provisions of this section shall be in addition to any other reduction of sentence the inmate may accumulate.

(h) Any person being held as a detainee or for contempt may voluntarily participate in such labor as provided for in this section under the terms and conditions hereinbefore set forth.

WV Legislature