WEST VIRGINIA CODE CHAPTER 17 ARTICLE 15

WV Legislature

§17-15-1.

Repealed.

Acts, 1937 Reg. Sess., Ch. 79.

WV Legislature

§17-15-2.

Repealed.

Acts, 1937 Reg. Sess., Ch. 79.

WV Legislature

§17-15-3.

Repealed.

Acts, 2005 Reg. Sess., Ch. 178.

WV Legislature

§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

WV Legislature

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

§17-15-5. Guards for county prisoners; monthly statement as to prisoners.

The sheriff, with the approval of the county court, may employ a sufficient number of persons to guard the prisoners, not in excess of one for each ten prisoners, or a lesser number in one group, and with said approval shall fix the wages of such guards, and shall have the control and authority over them. The wages of such guards shall be reasonable and shall be paid by the county court out of the county treasury.

The keeper of the jail shall file with the clerk of the county court a monthly statement showing the number of prisoners sentenced to work under this article, the number of prisoners who may volunteer and be allowed by the sheriff to work hereunder, and the number of days' work each prisoner has performed, and the allowance to the sheriff for their keep, food, maintenance and supplies, in accordance with the provisions of section twelve, article seven, chapter seven of the Code of West Virginia.

WV Legislature

§17-15-6. Certification by clerk or justice of sentence and commitment of county convict; form of commitment.

If the accused is sentenced to labor as provided by this article, the clerk of the court, or the justice of the peace before whom the person is convicted, shall certify to the jailer the length of sentence and the amount of fine in the manner and form following:

Commitment by ..... for imprisonment for ..... sentence, fine and costs. State of West Virginia, County of ..... ss:

To the sheriff or any constable of said county, and to the jailer of said county:

Whereas, ... was this day convicted of the crime of ..... and was sentenced to confinement in the county jail for the period of ..... days, or months, from this date, and to pay the state a fine of $ ..... and costs incurred, amounting to the sum of $ ..... itemized on the back hereof, and to labor on the roads and bridges under the control of the county court, or in the preparation of road materials, until said fine and costs are paid, as provided in article fifteen, chapter seventeen of the Code.

You (the said sheriff or constable), are hereby commanded, in the name of the said State, to receive and confine the said ..... in said jail, and to see that the said ..... labors according to law until his sentence, fine and costs have been satisfied, or until he is discharged according to law.

Given under my hand and seal this ..... day of ..... , 19 .... Clerk of court or justice of peace.

WV Legislature

§17-15-7. Road work by misdemeanant in lieu of bail.

A person charged with a misdemeanor, who is unable to furnish a recognizance or bail bond with satisfactory sureties, may, after being committed to jail, elect to labor as provided for by this article. The circuit, criminal or intermediate court of any county, or the judge thereof in vacation, may, in its discretion, enter an order permitting such person to labor as provided for in this article until a time to be fixed in the order.

If at the trial such person is convicted and sentenced to imprisonment in the county jail, or to labor as specified in this article, he shall be credited on his term with the number of days already labored. If fined, he shall be credited on the fine and costs with $1 per day for each day he has labored. If acquitted, he shall be paid out of the general county funds $1 per day for each day he has labored.

WV Legislature

§17-15-8. Credit on sentence for road work by county prisoner.

Every person sentenced to labor as provided for by this article and who has faithfully complied with all the rules and regulations prescribed by the sheriff or administrator of the regional jail facility governing the labor is entitled to five days' deduction for each month's jail sentence that is imposed upon him or her.

WV Legislature