# WEST VIRGINIA CODE: §49-4-722

**§49-4-722. Conviction for offense while in custody.**

(a) Notwithstanding any other provision of law to the contrary, any person who is 18 years of age or older who is convicted as an adult of an offense that he or she committed while in the custody of the Bureau of Juvenile Services and who is sentenced for the conviction to a regional jail or state correctional facility for the offense may not be returned to the custody of the Bureau upon the completion of his or her adult sentence.

(b) Whenever a person of 18 years of age or older is charged with an offense while in the custody of the Bureau of Juvenile Services, the Bureau shall provide notice of the person's custodial status to the court in which the charge is pending and provide notice of the pending charge to the circuit court having juvenile jurisdiction over the person.

(c) At least 10 days prior to the sentencing on a criminal charge referred to in subsection (b) of this section, the sentencing court shall provide written notice of the sentencing hearing to the Commissioner of the Division of Corrections and Rehabilitation and to the circuit court having juvenile jurisdiction over the person. The person may not be released from custody until the sentencing court has received notice from the circuit court having juvenile jurisdiction over the person that it has held the hearing required by subsection (d) of this section.

(d) Prior to completion of the adult sentence referenced in subsection (c) of this section, the circuit court having jurisdiction over the underlying juvenile matter shall conduct a hearing to determine whether the person who has turned 18 years of age shall remain in the regional jail during pendency of the underlying juvenile matter or if another disposition or pretrial placement is appropriate and available: Provided, That the court may not remand a child who reached the age of 18 years to a juvenile facility or placement during the pendency of the underlying juvenile matter.

(e) Notwithstanding the provisions of §15A-3-12(i) of this code, the Commissioner of the Division of Corrections and Rehabilitation is authorized to designate a unit in one or more institutions, either juvenile facilities, jails, or prisons, under his or her management to house adults remaining under the juvenile jurisdiction of the circuit court to ensure that such persons are not within sight or sound of adult inmates.

WV Legislature