WEST VIRGINIA CODE: §5-32-7

§5-32-7. Safety and privacy in correctional institutions.

(a) To ensure the privacy and safety of women in the custody of the Commissioner of the Division of Corrections and Rehabilitation, each institution managed by the Commissioner of Corrections and Rehabilitation shall designate sleeping quarters, multiple occupancy restrooms, and shower facilities:

(1) For the exclusive use of females; or

(2) For the exclusive use of males.

(b) This section shall not be construed or applied to prohibit an individual who is not an inmate from entering sleeping quarters, multiple occupancy restrooms, or shower facilities designated for the opposite sex when he or she enters such area for one of the following reasons:

(1) For authorized custodial, maintenance, or inspection purposes;

(2) To render medical assistance;

(3) To render assistance by law enforcement;

(4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety; or

(5) For the operational needs of the institution.

(c) Nothing in this section shall be construed to prohibit the Division of Corrections and Rehabilitation from adopting policies necessary to comply with the Prison Rape Elimination Act of 2003, 42 U.S.C §15602, as amended, to accommodate persons protected under the Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et seq*., as amended, or to comply with any other applicable state or federal law.

WV Legislature