WEST VIRGINIA CODE: §61-5-8

§61-5-8. Aiding escape and other offenses relating to adults and juveniles in custody or confinement; penalties.

(a) Where any adult or juvenile is lawfully detained in custody or confinement in any jail, state correctional facility, juvenile facility, juvenile detention center, or federal correctional facility, if any other person delivers anything into the place of custody or confinement of the adult or juvenile with the intent to aid or facilitate the adult's or juvenile's escape or attempted escape from the facility, or if the other person forcibly rescues or attempts to rescue an adult or a juvenile from the facility, the other person is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility not less than three nor more than 15 years.

(b) Where any adult or juvenile is lawfully detained in custody or confinement in any jail, a state correctional facility, a juvenile facility or juvenile detention center, or federal correctional facility, if any other person delivers any money or other thing of value, any written or printed matter, any article of merchandise, food or clothing, any medicine, utensil or instrument of any kind to the adult or juvenile without the express authority and permission of the supervising officer and with knowledge that the adult or juvenile is lawfully detained, the other person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $50 nor more than $500 and confined in jail not less than three nor more than 12 months: *Provided*, That the provisions of this section do not prohibit an attorney or his or her employees from supplying any written or printed material to an adult or juvenile which pertains to that attorney's representation of the adult or juvenile.

(c) If any person transports, or causes to be transported, any alcoholic liquor, nonintoxicating beer, poison, implement of escape, dangerous material, weapon, telecommunication device, or any controlled substance as defined by chapter 60A of this code onto the grounds of any jail, state correctional facility, juvenile facility, juvenile detention center, or federal correctional facility within this state and is unauthorized by law to do so, or is unauthorized by the persons supervising the facility, the person is guilty of a felony and, upon conviction thereof, shall be fined not less than $1,000 nor more than $5,000 or confined in a state correctional facility not less than two years nor more than 10 years, or both.

(d) If any person delivers, or causes to be delivered, any alcoholic liquor, nonintoxicating beer, poison, implement of escape, dangerous material, weapon, telecommunication device, or any controlled substance as defined by chapter 60A of this code to an adult or juvenile in custody or confinement in any jail, state correctional facility, juvenile facility, juvenile detention center, or federal correctional facility within this state and is unauthorized by law to do so, or is unauthorized by the persons supervising the facility, the person is guilty of a felony and, upon conviction thereof, shall be fined not less $1,000 nor more than $5,000, or confined in a state correctional facility not less than two nor more than 10 years, or both.

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(e) Whoever purchases, accepts as a gift, or secures by barter, trade, or in any other manner any article or articles manufactured at or belonging to any jail, state correctional facility, juvenile facility, juvenile detention center, or federal correctional facility from any adult or juvenile detained in the facility is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $50 nor more than $500 and confined in jail not less than three nor more than 12 months: *Provided*, That the provisions of this subsection do not apply to articles specially manufactured in any facility under the authorization of the persons supervising the facility and which are offered for sale within or outside of the facility.

(f) Whoever persuades, induces, or entices or attempts to persuade, induce, or entice any person who is in custody or confined in any jail, state correctional facility, juvenile facility, juvenile detention center, or federal correctional facility to escape from the facility or to engage or aid in any insubordination to the persons supervising the facility is guilty of a felony and, upon conviction thereof, shall be fined not less than $1,000 nor more than $5,000 or confined in a state correctional facility not less than two nor more than 10 years, or both.

(g) (1) An inmate of a jail, state correctional facility, juvenile facility, juvenile detention center, or federal correctional facility having in his or her possession any poison, implement of escape, dangerous material, weapon, telecommunications device or any controlled substance as defined by Chapter 60A of this code is guilty of a felony and, upon conviction thereof, shall be fined not less than $1,000 nor more than $5,000 or confined in a state correctional facility not less than two years nor more than 10 years, or both.

(2) An inmate of a jail, state correctional facility, juvenile facility, juvenile detention center, or federal correctional facility having in his or her possession any alcoholic liquor, nonintoxicating beer, money or other thing of value, any written or printed matter, any article of merchandise, food or clothing, any medicine, utensil or instrument of any kind without the express authority and permission of the supervising officer is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $50 nor more than $500 and confined in jail not more than 12 months.

(h) As used in this section:

(1) "Dangerous material" means any incendiary material or device, highly flammable or caustic liquid, explosive, bullet, or other material readily capable of causing death or serious bodily injury.

(2) "Delivers" means to transfer an item to an adult or juvenile who is detained in custody or confinement in any jail, correctional facility, juvenile facility, juvenile detention center, federal correctional facility or a building appurtenant to those places. The term includes bringing the item into a jail, correctional facility, juvenile facility, juvenile detention center, or a building appurtenant to those places. The term includes putting an item in a place where it may be obtained by an inmate.

(3) "Inmate" means an adult or juvenile who is detained in custody or confinement in any jail,

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correctional facility, juvenile facility, juvenile detention center, or federal correctional facility, regardless of whether the individual is temporarily absent due to medical treatment, transportation, court appearance, or other reason for a temporary absence.

(4) "Implement of escape" means a tool, implement, device, equipment, or other item which an inmate is not authorized to possess capable of facilitating, aiding, or concealing an escape or attempted escape by an inmate.

(5) "Telecommunication device" means any type of instrument, device, machine, or equipment which is capable of transmitting or receiving telephonic, electronic, digital, cellular, satellite, internet, or radio communications or any part of an instrument, device, machine, or equipment which is capable of facilitating the transmission or reception of telephonic, electronic, digital, cellular, satellite, internet, or radio communications regardless of whether the part itself is able to transmit. The term includes, but is not limited to, cellular phones, digital phones, satellite phones, tablet computers, computers, smart devices, or other modem equipment devices.

(6) "Weapon" means an implement readily capable of lethal use and includes any firearm, knife, dagger, razor, other cutting or stabbing implement, or club. The term includes any item which has been modified or adapted so that it can be used as a firearm, knife, dagger, razor, other cutting, or stabbing implement, or club. For purposes of this definition, the term "firearm" includes an unloaded firearm or the unassembled components of a firearm.

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