

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943

ENROLLED

SENATE BILL No. 161

(By Mr. Burdett)

PASSED March 12 1943

In Effect From Passage



161

ENROLLED
Senate Bill No. 161
(By MR. BURCHETT)

[Passed March 12, 1943; in effect from passage.]

AN ACT to provide for the voluntary working of county prisoners in county buildings and institutions and upon county public works; to relieve the sheriff from liability for injury, damage or death; and to reenact section four, article fifteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, and to amend and reenact section five, article fifteen, chapter seventeen of the code as amended, relating to guards for county prisoners.

Be it enacted by the Legislature of West Virginia:

That section four, article fifteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one,

as amended and reenacted, and that section five of said article, as amended, be amended and reenacted, all to read as follows:

Section 4. *Voluntary Work by County Prisoners; Relief of Sheriffs from Liability for Injuries, etc.* Any person confined in the county jail, who is able-bodied, of sound mind and over the age of sixteen years, whether imprisoned under conviction or awaiting trial, may voluntarily consent to perform labor within the jail, as a trusty or otherwise, or in and upon the buildings, grounds, institutions, bridges and public works of the county, under the supervision, care and custody of the sheriff, his deputies, jailer and guards and, if the sheriff be satisfied as to his or her trustworthiness, the sheriff may assign such prisoner, either singly or with others, to suitable work and labor in and about the jail and the other buildings, institutions and grounds and the bridges and other public works of the county, under such humane and safe methods of discipline and protection and such regulations as the sheriff may adopt or prescribe, and permit and cause such prisoner to work and labor therein and thereat, without liability of any kind upon the sheriff, his

20 jailer, deputies, guards or agents in charge of such pris-
21 oner, for damages for accidents, injury or death to such
22 prisoner or to third persons or for damage to property,
23 which may occur from any cause whatsoever except for
24 accident, injury, death or damage resulting directly from
25 the sheriff's neglect, malfeasance or carelessness. The
26 consent of the prisoner to perform such work shall be in
27 writing, duly acknowledged.

Sec. 5. *Guards for County Prisoners; Monthly State-*
2 *ment as to Prisoners.* The sheriff, with the approval of
3 the county court, may employ a sufficient number of per-
4 sons to guard the prisoners, not in excess of one for each
5 ten prisoners, or a lesser number in one group, and with
6 said approval shall fix the wages of such guards, and shall
7 have the control and authority over them. The wages of
8 such guards shall be reasonable and shall be paid by the
9 county court out of the county treasury.

10 The keeper of the jail shall file with the clerk of the
11 county court a monthly statement showing the number
12 of prisoners sentenced to work under this article, the
13 number of prisoners who may volunteer and be allowed

14 by the sheriff to work hereunder, and the number of days'
15 work each prisoner has performed, and the allowance to
16 the sheriff for their keep, food, maintenance and supplies,
17 in accordance with the provisions of section twelve, article
18 seven, chapter seven of the code of West Virginia.

19 All acts or parts of acts inconsistent or in conflict with
20 the provisions of this act are hereby repealed.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Ray A. J. J. J.
Chairman Senate Committee

Fred L. Kotroff
Chairman House Committee

Originated in the Senate

Takes effect from passage

Fred B. Watkins
Clerk of the Senate

J. Clipp
Clerk of the House of Delegates

James Paul
President of the Senate

John E. [unclear]
Speaker House of Delegates

The within approved this the 19th
day of March, 1943.

Matthew [unclear]
Governor.



Filed in the office of the Secretary of State
of West Virginia MAR 19 1943

Wm. S. O'BRIEN,
Secretary of State