

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

SENATE BILL No. 281

(By Mr. Love)



PASSED March 7 1947

In Effect 90 days Passage



281

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Senate Bill No. 281

(By MR. LOVE)

[Passed March 7, 1947; in effect ninety days from passage.]

AN ACT to amend article eight, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section to be designated section two-a, and to amend and reenact sections two, eight and nine of such article relating to the care and feeding of prisoners in county jails.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section to be designated section two-a, and that sections two, eight and nine of such article be amended and reenacted to read as follows:

Article 8. Jail and Jailer.

Sec. 2. *Jailer; Care of Jail.*—The sheriff of every county
2 shall be the keeper of the jail thereof, but he may, with

3 the assent of the county court, appoint a jailer of the said
4 county, and may take from him a bond with security con-
5 ditioned for the faithful performance of his duties. The
6 jailer may be a deputy sheriff and shall take an oath of
7 office like other officers. He shall keep the jail in a clean,
8 sanitary and healthful condition. When any prisoner is
9 sick the jailer shall see that he has adequate medical and
10 dental attention and nursing, and so far as possible keep
11 him separate from other prisoners. Any such medical
12 care and nursing as the jailer may be required to fur-
13 nish shall be paid for by the county court. A failure on
14 the part of the jailer to perform any of the duties herein
15 required with respect to any prisoner in his jail shall be a
16 contempt of any court of record under whose commit-
17 ment such prisoner is confined, and shall be punished as
18 other contempts of such court.

Sec. 2-a. *Feeding and Care of Prisoners.*—On and after
2 the first day of January, one thousand nine hundred forty-
3 nine, the county court of each county shall provide whole-
4 some and sufficient food and clean and sufficient bedding
5 for all prisoners confined in the county jail, and shall

6 furnish the soaps, disinfectants and other supplies needed
7 by the jailer in the performance of his duties. The county
8 court may require the jailer to act as its agent for the
9 purpose of purchasing, preparing and serving food for
10 prisoners. If, however, the jailer is not named as such
11 agent, he shall make available to the county court, for
12 use in the preparation and serving of food for prisoners,
13 the services of prisoners, to the number requested by
14 the county court. The county court may employ a cook
15 and such other employees as may be necessary in the
16 performance of duties required of it by this section.

17 All purchases of food, bedding, and other supplies shall
18 whenever practicable be made at wholesale. Invoices or
19 itemized statements of account from each vendor of
20 food, bedding, and other supplies shall be obtained, and
21 payment of such statements or invoices shall not be au-
22 thorized by the county court unless and until the county
23 court has ascertained that the merchandise has been
24 received and that the terms of the purchase have been
25 complied with on the part of the vendor. The county

26 court shall not provide for the feeding of prisoners on a
27 contract or fee basis.

28 The county court shall keep or cause to be kept a daily
29 record showing the total number of prisoners confined
30 in the jail of the county, the number of prisoners ad-
31 mitted, the number released, and the time of each such
32 admittance and of each such release. Such record shall
33 show such information separately as to the prisoners of
34 the county, of each municipality, and of the United
35 States. The county court shall also keep or cause to
36 be kept such other accounts and records as will enable
37 it to show the per capita daily cost of the feeding and
38 care of prisoners in each calendar month.

39 The county court shall require to be kept a daily
40 record of foods served prisoners and, in all counties
41 having a county health officer, said health officer shall,
42 at least once a month, inspect such lists and make such
43 recommendations and suggestions as he may deem proper
44 regarding daily diets and foods.

45 All actual costs incurred by the county court for sala-
46 ries and for the purchase of food, bedding and other

47 supplies shall be paid out of the same funds as payments
48 to sheriffs of fees for the feeding and care of prisoners
49 were made immediately prior to the effective date of
50 this act.

Sec. 8. *Federal Prisoners.*---The jail of any county may
2 be used for the confinement of persons committed thereto
3 under the laws of the United States. The jailer thereof
4 shall receive, keep and discharge such persons pursuant
5 to the commitment, as provided in the laws of the United
6 States. For a failure of duty as to any such prisoner, the
7 jailer shall be liable to the United States, or to the creditor
8 at whose suit the prisoner is in custody, in like manner as
9 in the case of a prisoner committed under the authority of
10 the state. No person arrested on civil process shall, under
11 this section, be committed to any other jail than that of
12 the county within which such person may reside or be
13 found.

14 The United States or the creditor, as the case may be,
15 shall be responsible to the county court for payment of
16 the costs for the maintenance of any person confined in a
17 county jail as provided in this section.

18 All provisions of this section which were in effect im-
19 mediately prior to the passage of this act shall continue
20 in full force and effect until the thirty-first day of Decem-
21 ber, one thousand nine hundred forty-eight.

Sec. 9. *Prisoners Under Civil Process.*—The party at
2 whose suit any person is confined in jail under civil proc-
3 ess shall be responsible to the county court for the main-
4 tenance of such person during such confinement, and
5 payment therefor shall be due monthly. Upon failure
6 of such party to make payment when due, the jailer may
7 discharge the prisoner when ordered to do so by the
8 county court unless the prisoner is held under other
9 process, but the county court shall have the right to sue
10 for the amount due as for other money due on contract.
11 The jailer may require a bond payable to the county court
12 as security for the payment of such maintenance before
13 receiving a person on civil process. Any party who shall
14 have paid for such maintenance of such a prisoner may,
15 upon motion before the circuit court of such county, or
16 by action before any justice having jurisdiction, obtain
17 judgment against the person who was so confined, or his

18 personal representative, for the amount so paid, with
19 interest thereon, from the time of such payment.

20 All provisions of this section which were in effect im-
21 mediately prior to the passage of this act shall continue
22 in full force and effect until the thirty-first day of De-
23 cember, one thousand nine hundred forty-eight.

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

Forest L. McNeer
Chairman Senate Committee

R. L. Tomlinson
Chairman House Committee

Originated in the

Senate

Takes effect

90 days

passage.

Howard Hughes
Clerk of the Senate

J. R. H. H.
Clerk of the House of Delegates

Donald J. M. Dickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within

Approved

this the

8th

day of

March

, 1947.

Clarence Medsker
Governor.



Filed in the Office of the Secretary of State
of West Virginia. **MAR 10 1947**
WM. S. O'LEARY,
SECRETARY OF STATE