

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953

ENROLLED

SENATE BILL NO. 128

(By Mr. Love.....)

PASSED March 13..... 1953

In Effect simply by..... Passage



101

ENROLLED

Senate Bill No. 128

(By MR. LOVE)

[Passed March 13, 1953; 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, as amended, by adding thereto a new section, to be designated section twelve, providing for the establishment, operation and maintenance of county work farms.

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, as amended, be amended by adding thereto a new section, to be designated section twelve to read as follows:

Section 12. *County Work Farms; Establishment, Operation and Maintenance.*—The county court of every county shall have authority, in its discretion, to establish, operate and maintain a county work farm to be operated in connection with the county jail and to be used for the

6 confinement of such prisoners as are assigned thereto as
7 hereinafter set forth. The county court of such counties
8 is hereby given authority to purchase land and other
9 property in connection with the establishment of such
10 work farms and to construct such buildings, fences and
11 other facilities and to acquire such personal property
12 as is necessary for the maintenance and operation of
13 such work farm. The cost of such work farm shall be
14 paid out of the general county fund or out of any other
15 funds available to the county court for such purpose.

16 The county court shall have authority to direct all
17 needed improvements and repairs necessary for the
18 proper upkeep of such work farm and provide for the
19 necessary food, medical treatment and safekeeping of
20 the prisoners confined therein. The work farm shall be
21 operated in conjunction with the county jail. The sheriff
22 of the county shall be responsible for and have the same
23 control of the prisoners assigned to such work farm as
24 he has over the prisoners confined in the county jail
25 and shall make such rules and regulations as are neces-
26 sary for the care and treatment of such prisoners as are

27 assigned thereto, and shall take proper care for their
28 discipline, diet, clothing and safety. He shall also de-
29 termine the type and amount of labor each prisoner
30 shall perform, and shall perform all other duties with
31 regard to the prisoners confined at such work farm as
32 he is required to perform with regard to prisoners in the
33 county jail. He shall employ such deputies as guards
34 as may be necessary to supervise and insure the safe-
35 keeping of the prisoners. Prisoners committed to said
36 work farm as hereinafter provided shall be required to
37 perform such duties and labor as are reasonably per-
38 mitted by their physical and mental condition. Provision
39 shall be made for truck and vegetable gardens to be
40 tended by the prisoners, and for the raising of such
41 fruit, hogs, poultry, and other farm products as can be
42 economically and profitably produced. All food products
43 produced on said work farm shall be used first for
44 feeding prisoners either at said work farm or at the
45 county jail and any surplus may be used at any other
46 county institution.

47 The county court shall employ a superintendent for

48 such county work farm, whose duty it shall be to super-
49 vise the work done and to care for and maintain the
50 property and equipment used in connection therewith
51 and who shall serve until his successor is selected and
52 qualified as hereinafter provided. Such superintendent
53 shall also keep an accurate record of the number of
54 prisoners confined at said county work farm and an
55 accurate record of the cost of operating said work farm
56 and shall make a report thereof to the county court at
57 such times as the court may require, but at least twice
58 each year. He shall also keep a record of the farm
59 products produced on such farm, and of the disposition
60 of said products. Such superintendents and his assist-
61 ants shall be employed by the county court on the
62 written recommendation of the sheriff and shall be
63 appointed as deputy sheriffs of said county with all the
64 authority, privileges and immunities of deputy sheriff:
65 *Provided, however,* That the county court shall not em-
66 ploy any such superintendent or assistant superintend-
67 ent unless it is satisfied that he possesses the high char-
68 acter, appropriate ability and energy suitable for such
69 employment.

70 The judge of the circuit, intermediate, common pleas,
71 or such other court as has jurisdiction for the trial of
72 felony cases in such counties, may upon his own motion
73 or upon application of any prisoner confined in the
74 county jail either in term time or in vacation, transfer
75 any prisoner confined in the county jail except those
76 under conviction for a felony to said work farm or
77 transfer any prisoner confined at said work farm to the
78 county jail. Proper order shall be entered in the order
79 book of such court of every such action. In sentencing
80 any person to the county jail said judge may stipulate
81 in said order of sentence whether such person shall be
82 confined in the county jail or confined at said work farm.
83 This provision, however, shall not be construed to give
84 authority to justices of the peace, judges of police courts,
85 or mayors of municipalities to sentence persons to said
86 work farm, nor to transfer persons from the county jail
87 to said work farm.

88 Should any inmate of such work farm escape there-
89 from he shall be punished under the same provisions of
90 law as if he had escaped from the county jail.

APR 19 1923
D. FITZ O'BRIEN
SHERIFF OF STATE

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

D. J. McKinley
Chairman Senate Committee

C. H. Ambler
Chairman House Committee

Originated in the Senate.

Takes effect *twenty days from* passage.

Howard Meyer
Clerk of the Senate

Edliff
Clerk of the House of Delegates

Ralph Bran
President of the Senate

W. E. ...
Speaker House of Delegates

The within *approved* this the *19th* day of *March*, 1953.

William C. Mailand
Governor.



FILED IN THE OFFICE OF THE SECRETARY OF STATE
of West Virginia **MAR 19 1953**
D. PITT O'BRIEN,
SECRETARY OF STATE