WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 77

(By Mr. Joselow)

PASSED Mar. 12 1955

In Effect 90 days after Passage

Filed in the Office of the Secretary of State of West Virginia
MAR 17 1955
D. PITT O'BRIEN
SECRETARY OF STATE
ENROLLED

House Bill No. 77
(By Mr. Goshorn)

[Passed March 12, 1955; in effect ninety days from passage.]

AN ACT to amend chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article four, relating to the powers and duties of the West Virginia board of control to establish, operate and maintain forestry camps to be operated in connection with the state penal system in order to provide appropriate facilities for the housing of youthful male offenders who are amenable to discipline other than in close confinement.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article four, to read as follows:

Section 1. ^Legislative Purpose.—The purpose of this
article is to provide appropriate facilities for the housing
of youthful male offenders convicted of or pleading guilty
to violation of law before courts with original jurisdiction
or juvenile courts, who are amenable to discipline other
than in close confinement; to secure a better classification,
and segregation of such persons according to their cap-
abilities, interests, and responsiveness to control and re-
sponsibility; to reduce the necessity of expanding the
existing grounds and housing facilities for the confine-
ment of such persons, and to give better opportunity to
youthful offenders for reformation and encouragement of
self-discipline.

Sec. 2. Establishment of Forestry Camps.—The West
Virginia board of control is authorized to establish, oper-
ate and maintain forestry camps to be operated in con-
nection with the state penal system as herein provided.

Sec. 3. Powers of Board of Control in Establishing
Forestry Camps.—The West Virginia board of control is
hereby given authority to acquire land and other property
by purchase, grant, gift, or otherwise in connection with
the establishment of forestry camps, and to construct such
buildings, fences and other facilities, and to acquire such
personal property as is necessary for the maintenance and
operation of such camps; to direct all needed improve-
ments and repairs necessary for the proper upkeep of
such camps, and to provide for the necessary food, medical
treatment, and safekeeping of persons confined therein;
to employ personnel to operate the camps, and to provide
the necessary work and other programs for the offenders
assigned to the camps.

Sec. 4. Superintendent; Qualifications; Pay; Duties.—
Each forestry camp shall be under the direction of a camp
superintendent, who shall have the minimum qualifica-
tion of a college degree with a major in sociology or a
kindred field, and be trained and experienced in dealing
with youths. He shall be paid an annual salary to
be fixed by the board of control.

The camp superintendent shall provide a training pro-
gram which shall include four separate, yet well-integrat-
ed sections, embracing the following: (1) work programs;
(2) educational program; (3) recreational program, and
(4) individual and group counseling.
Sec. 5. Employees; Teachers; Physical Education Director; Probation Officer; Qualification and Salaries.—In addition to the superintendents and other employees who may be needed, the camp staff shall include a minimum of one education instructor qualified to teach in the secondary schools of this state, one physical education director qualified to teach in the secondary schools of this state, one trained probation officer who has the minimum qualification of a college degree with a major in sociology, or a kindred field.

The annual salaries of the education instructor, the physical director and the probation officer shall be fixed by the board of control.

Sec. 6. Assignment of Offenders to Camp; Period of Camp Confinement; Return to Court; Sentence or Probation; Revocation of Probation.—The judge of any court with original criminal jurisdiction, or any juvenile court, may suspend the imposition of sentence of any male youth convicted of or pleading guilty to a criminal offense, other than a capital offense, who has attained his sixteenth birthday but has not reached his twenty-first birthday at
the time of the commission of the crime, and commit him
to the custody of the West Virginia board of control to be
assigned to a forestry camp. The period of confinement in
the forestry camp shall be for a period of one year, or
longer if it is deemed advisable by the camp superinten-
dent, but in any event such period of confinement shall
not exceed two years. If, in the opinion of the super-
intendent, such male offender proves to be an unfit person
to remain in such a camp, he shall be returned to the
court which committed him to be dealt further with
according to law. In such event, the court may place him
on probation or sentence him for the crime for which he
has been convicted.

In his discretion, the judge may allow the defendant
credit on his sentence for time he has spent in the forestry
camp. When, in the opinion of the superintendent, any
boy has satisfactorily completed the camp training pro-
gram and the term for which he was assigned has expired,
such male offender shall be returned to the jurisdiction
of the court which originally committed him. He shall
be eligible for probation for the offense with which he is
charged, and the judge of the court shall immediately
place him on probation. In the event his probation is
subsequently revoked by the judge, he shall be given the
sentence he would have originally received had he not
been committed to the camp and subsequently placed on
probation. The court shall, however, give the defendant
credit on his sentence for the time he spent in the camp.

Sec. 7. Physical and Mental Examination of Offenders

Prior to Transfer to Board of Control; Persons not Eligible
for Forestry Camps.—Before the judge of any court of
original jurisdiction or juvenile court can transfer a
youthful offender to the custody of the board of control
to be assigned to a forestry camp, such offender shall be
given a complete medical examination by a doctor desig-
nated by the board of control, and the offender must be
free of any communicable disease or other physical defects
which would prohibit him from participating in the pro-
gram of the forestry camp. In the event there is a ques-
tion concerning the mental status of an offender, he shall
be given an examination by a competent psychiatrist
designated by the board of control to determine whether
he is fit to participate in the program of the forestry
camp.

Any offender who is found to have a communicable
disease, is feeble minded, psychotic, mentally ill, or has a
history of homosexual activities, or arsonist tendencies,
shall not be eligible for assignment to a forestry camp.

Sec. 8. Work and Activities.—Offenders assigned to
forestry camps may be required to labor on the buildings
and grounds of the camp, in the making of forest roads,
for fire prevention and fire fighting, on forestation and
reforestation of public lands, on the making of fire trials
and fire breaks, on fire suppression, on building or im-
proving public parks or lands, or engage in any studies or
activities prescribed or permitted by the camp super-
intendent, subject to the approval of the board of control.

Sec. 9. Wages.—The West Virginia board of control may
provide for the payment of wages to the offenders assign-
ed to said forestry camps for the work they perform,
which amounts shall not exceed fifty cents for each day's
work performed, the sums earned to be paid to the parents
or dependents of the offender, or to the offender himself,
in such manner and in such proportions as the super-
intendent of the camp directs.

Sec. 10. Peace Officers.—All officers and employees of
a camp shall have the powers of peace officers so far as
necessary to arrest camp inmates.

Sec. 11. Escape; Aiding Escape; Penalty.—Should any
inmate of a forestry camp escape therefrom or from the
custody of an officer or employee of the camp, he shall be
guilty of a misdemeanor and on conviction shall be
punished by a fine of not more than five hundred dollars,
or by imprisonment in the county jail for not more than
six months, or by both such fine and imprisonment.

Any person who knowingly permits or aids any inmate
of such camp to escape therefrom, or conceals him with
the intent of enabling him to elude pursuit, is guilty of a
misdemeanor and punishable in a like manner.

Sec. 12. Independent or Cooperative Establishment.—
The West Virginia board of control may establish forestry
camps independently or in cooperation with the conservation commission of West Virginia on such terms as may be agreed upon by the board of control and the director of conservation.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days after passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 16 day of March 1955.

[Signature]
Governor

Filed in the Office of the Secretary of State

[Stamp and date]