

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 77

(By Mr. Goshorn)



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

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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

2 article is to provide appropriate facilities for the housing
3 of youthful male offenders convicted of or pleading guilty
4 to violation of law before courts with original jurisdiction
5 or juvenile courts, who are amenable to discipline other
6 than in close confinement; to secure a better classification,
7 and segregation of such persons according to their cap-
8 abilities, interests, and responsiveness to control and re-
9 sponsibility; to reduce the necessity of expanding the
10 existing grounds and housing facilities for the confine-
11 ment of such persons, and to give better opportunity to
12 youthful offenders for reformation and encouragement of
13 self-discipline.

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

Sec. 3. *Powers of Board of Control in Establishing*
2 *Forestry Camps.*—The West Virginia board of control is
3 hereby given authority to acquire land and other property
4 by purchase, grant, gift, or otherwise in connection with
5 the establishment of forestry camps, and to construct such

6 buildings, fences and other facilities, and to acquire such
7 personal property as is necessary for the maintenance and
8 operation of such camps; to direct all needed improve-
9 ments and repairs necessary for the proper upkeep of
10 such camps, and to provide for the necessary food, medical
11 treatment, and safekeeping of persons confined therein;
12 to employ personnel to operate the camps, and to provide
13 the necessary work and other programs for the offenders
14 assigned to the camps.

Sec. 4. *Superintendent; Qualifications; Pay; Duties.*—

2 Each forestry camp shall be under the direction of a camp
3 superintendent, who shall have the minimum qualifica-
4 tion of a college degree with a major in sociology or a
5 kindred field, and be trained and experienced in dealing
6 with youths. He shall be paid an annual salary to
7 be fixed by the board of control.

8 The camp superintendent shall provide a training pro-
9 gram which shall include four separate, yet well-integrat-
10 ed sections, embracing the following: (1) work programs;
11 (2) educational program; (3) recreational program, and
12 (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

9 the time of the commission of the crime, and commit him
10 to the custody of the West Virginia board of control to be
11 assigned to a forestry camp. The period of confinement in
12 the forestry camp shall be for a period of one year, or
13 longer if it is deemed advisable by the camp superinten-
14 dent, but in any event such period of confinement shall
15 not exceed two years. If, in the opinion of the super-
16 intendent, such male offender proves to be an unfit person
17 to remain in such a camp, he shall be returned to the
18 court which committed him to be dealt further with
19 according to law. In such event, the court may place him
20 on probation or sentence him for the crime for which he
21 has been convicted.

22 In his discretion, the judge may allow the defendant
23 credit on his sentence for time he has spent in the forestry
24 camp. When, in the opinion of the superintendent, any
25 boy has satisfactorily completed the camp training pro-
26 gram and the term for which he was assigned has expired,
27 such male offender shall be returned to the jurisdiction
28 of the court which originally committed him. He shall
29 be eligible for probation for the offense with which he is

30 charged, and the judge of the court shall immediately
31 place him on probation. In the event his probation is
32 subsequently revoked by the judge, he shall be given the
33 sentence he would have originally received had he not
34 been committed to the camp and subsequently placed on
35 probation. The court shall, however, give the defendant
36 credit on his sentence for the time he spent in the camp.

Sec. 7. Physical and Mental Examination of Offenders

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

14 designated by the board of control to determine whether
15 he is fit to participate in the program of the forestry
16 camp.

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

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

Sec. 9. *Wages.*—The West Virginia board of control may
2 provide for the payment of wages to the offenders assign-
3 ed to said forestry camps for the work they perform,
4 which amounts shall not exceed fifty cents for each day's

5 work performed, the sums earned to be paid to the parents
6 or dependents of the offender, or to the offender himself,
7 in such manner and in such proportions as the super-
8 intendent of the camp directs.

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

Sec. 11. *Escape; Aiding Escape; Penalty.*—Should any
2 inmate of a forestry camp escape therefrom or from the
3 custody of an officer or employee of the camp, he shall be
4 guilty of a misdemeanor and on conviction shall be
5 punished by a fine of not more than five hundred dollars,
6 or by imprisonment in the county jail for not more than
7 six months, or by both such fine and imprisonment.
8 Any person who knowingly permits or aids any inmate
9 of such camp to escape therefrom, or conceals him with
10 the intent of enabling him to elude pursuit, is guilty of a
11 misdemeanor and punishable in a like manner.

Sec. 12. *Independent or Cooperative Establishment.*—
2 The West Virginia board of control may establish forestry

3 camps independently or in cooperation with the conser-
4 vation commission of West Virginia on such terms as may
5 be agreed upon by the board of control and the director of
6 conservation.

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

Paul Murray
Chairman Senate Committee

W. T. Bretton Jr
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days after passage.

Thomas Myers
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

W. E. Flannery
Speaker House of Delegates

The within approved this the 16
day of March, 1955.

William C. Marland
Governor



Filed in the Office of the Secretary of State
MAR 17 1955
D. P. O'BRYEN
SECRETARY OF STATE