

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



ENROLLED

Committee Substitute For
HOUSE BILL No. 607

(By Mr. Amel)



PASSED March 12 1965

In Effect from Passage



FILED IN THE OFFICE OF
JOE F. BOSS, BY
SECRETARY OF STATE
THIS DATE 3-18-65

#607

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 607
(Originating in the Committee on the Judiciary.)

[Passed March 12, 1965; in effect from passage.]

AN ACT to amend chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article thirteen, creating a division of correction within the office and under the authority, jurisdiction and control of the commissioner of public institutions; transferring to the office of the commissioner of public institutions, division of correction, as aforesaid, the administrative and supervisory functions of the board of probation and parole; and repealing all acts and parts of acts inconsistent herewith.

Be it enacted by the Legislature of West Virginia:

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

Article 13. Division of Correction.

Section 1. Construction and Purpose of Article.—This
2 article shall be liberally construed, to the end that per-
3 sons committed to institutions of the state for crime or
4 delinquency shall be afforded individual and group treat-
5 ment to reestablish their ability to live peaceably and,
6 consistent with the protection of the community, to re-
7 lease such individuals at the earliest possible date, and
8 to establish a just, humane and efficient program, and to
9 avoid duplication and waste of effort and money on the
10 part of public and private agencies.

Sec. 2. Division of Correction.—The commissioner of
2 public institutions is hereby directed to establish within
3 his department a separate division of correction, which
4 shall consist of a director of correction, such deputy direc-
5 tors as herein provided, and the officers, employees and
6 institutions of such division.

7 a. The director of division of correction shall be di-
8 rectly responsible to the commissioner of public institu-
9 tions for the custody and care of all persons committed
10 for conviction of a felony and such other persons as may
11 be committed to the commissioner of public institutions
12 or penal or correctional institutions under his jurisdiction
13 and control including the following institutions, and such
14 other institutions as now or may hereafter be established
15 by law:

16 West Virginia penitentiary at Moundsville, West Vir-
17 ginia;

18 West Virginia state prison for women at Pence Springs,
19 West Virginia;

20 West Virginia medium security prison, Huttonsville,
21 West Virginia;

22 West Virginia industrial home for girls, Salem, West
23 Virginia;

24 West Virginia industrial home for boys, Grafton, West
25 Virginia;

26 West Virginia forestry camp for boys, Davis, West Vir-
27 ginia.

50 stitutions, shall administer all other laws affecting the
51 custody, control, treatment and employment of persons
52 sentenced or committed to institutions under the super-
53 vision of the commission of public institutions, or affect-
54 ing the operation and administration of institutions or
55 functions of the division of correction or activities therein.

*OK
C. W. Deussen
2/27
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56 d. The final determination regarding the release of in-
57 mate^u from penal institutions and the final determination
58 regarding the revocation of paroles from such institu-
59 tions pursuant to the provisions of article twelve, chapter
60 sixty-two of the code of West Virginia, one thousand nine
61 hundred thirty-one, as amended, shall remain within the
62 exclusive jurisdiction of the board of probation and pa-
63 role.

*OK
C. W. Deussen
2/27*

Sec. 3. Appointment of the Director; Appointment of

2 **Staff; Duties of Director.**—The commissioner of public
3 institutions shall appoint the director of the division of
4 correction who shall be duly qualified by education and
5 experience, with a degree in sociology, psychology, social
6 sciences or some related field, and with a minimum of
7 three years' experience in the field of correction or a re-
8 lated field.

*OK
C. W. Deussen
2/27*

Sec. 4. Powers and Duties of the Director, Appoint-

2 **ment of Staff.**—Subject to the approval and consent of
3 the commissioner of public institutions the director
4 shall:

5 a. Exercise general supervision over the administra-
6 tion of the division of correction;

7 b. Establish separate subdivisions, to be headed by
8 deputy directors, of adult services, youth services, and
9 other subdivisions as he deems advisable, which may be
10 headed by the same or different deputy directors, which
11 said deputy directors must be graduates of an accredited
12 college or university with a degree in sociology, psychol-
13 ogy, social science or a related field;

14 c. At the close of each fiscal year, submit to the com-
15 missioner of public institutions a report with statistical
16 and other data of the division's work, including any rec-
17 ommendations for legislation for the improvement of
18 correctional treatment and the more effective work of
19 the division;

20 d. Recommend qualifications for employment of dep-
21 uty directors, wardens and superintendents of institu-

22 tions within the division, all necessary staff for the oper-
23 ation of the institutions and subdivisions, and state em-
24 ployed probation and parole personnel;

25 e. Establish rules and regulations in writing govern-
26 ing all subdivisions and institutions within the division;

27 f. Establish an in-service, training program for per-
28 sonnel of the division;

29 g. Establish a plan of classification of institutions,
30 varying according to such factors as security features,
31 program, age and sex of inmates, physical stature or size,
32 character of inmates, and recommend the organization
33 of the institutions of the division in accordance with such
34 plan;

35 h. Establish a system of classification of inmates,
36 through a reception and examination procedure, and in
37 each institution a classification committee and procedure
38 for assignment of inmates within the programs of the
39 institution;

40 i. Establish, maintain and direct a varied program of
41 education for inmates in all institutions within the divi-
42 sion;

43 j. Supervise the treatment, custody and discipline of
44 all inmates and the maintenance of the institutions of
45 the division and its industries;

46 k. Establish a system of compensation for inmates of
47 the correctional institutions of the state who perform
48 good and satisfactory work either within the industrial
49 program or in the servicing and maintenance of the cor-
50 rectional institutions or any other institutions or camps
51 within the state. The director, with the approval of the
52 commissioner of public institutions, may establish a grad-
53 uated scale of compensation to be paid to inmates in
54 accordance with their skill in industry, and the director
55 shall recommend rules and regulations for carrying out
56 the purposes of this subsection.

57 The principal officer of any correctional institution, on
58 request of an inmate, may expend up to one half of the
59 money so earned by such inmate on behalf of the family
60 of such inmate. The remainder of the money so earned,
61 after deducting amounts expended as aforesaid, shall be
62 accumulated to the credit of the inmate and be paid to
63 the inmate at such times as may be prescribed by such

64 rules and regulations. Such funds so accumulated on
65 behalf of inmates shall be held by the principal officer
66 of each institution, under a bond approved by the attor-
67 ney general.

68 The accumulation of such total funds, not necessary for
69 current distribution, shall be invested, with the approval
70 of the director, through the state sinking fund commis-
71 sion, in short term bonds or treasury certificates or equiv-
72 alent of the United States. Bonds and certificates so pur-
73 chased shall remain in the custody of the state treasurer.
74 The earnings from investments so made shall be reported
75 to the principal officer of each institution from time to
76 time, as earned, and shall be credited to the respective
77 accounts of such institutions by the sinking fund com-
78 mission.

79 When such earnings are transferred to the respective
80 institutions, they shall be credited by the principal officer
81 to the credit of and for the benefit of the inmates' activi-
82 ties account.

Sec. 5. Commitments; Transfer.—All persons com-
2 mitted by courts of criminal and juvenile jurisdiction for

3 custody in penal, correctional or training institutions
4 under the jurisdiction of the commissioner of public insti-
5 tutions shall be committed to an appropriate institution,
6 but the director shall have the authority to and may order
7 the transfer of any person committed to the division to
8 any appropriate institution within the division. How-
9 ever, no person committed as a juvenile shall be held in
10 any institution except one for training and care of chil-
11 dren; and no one may be transferred to a state prison
12 unless the crime for which such person is incarcerated
13 was of the grade which would warrant direct commit-
14 ment to the prison.

15 The director may transfer any prisoner or inmate who
16 is mentally disturbed and who would more appropriately
17 be treated in an institution under the jurisdiction of the
18 department of mental health, to such department, subject
19 to the approval of the director of the department of men-
20 tal health. The director may transfer any prisoner or in-
21 mate to an appropriate mental facility for specialized
22 medical treatment.

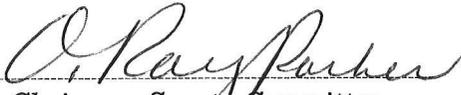
Sec. 6. Compensation of Director and Employees.—

2 The director shall receive a salary of thirteen thousand
3 dollars per annum. Each deputy director shall receive a
4 salary of ten thousand dollars per annum. Within the
5 limits of available funds the commissioner of public insti-
6 tutions shall fix the salaries or compensation of the other
7 officers and employees employed pursuant to the provi-
8 sions of this article. All persons employed hereunder
9 shall receive necessary traveling and other expenses.
10 The compensation, salaries, expenses and appropria-
11 tions provided for the division of correction and its em-
12 ployees shall be paid in the same manner as are those
13 of other state employees and agencies upon recommenda-
14 tion of the director and certification and approval of the
15 commissioner of public institutions.

Sec. 7. Repeal of Inconsistent Laws.—All other laws
2 or parts of laws inconsistent with this article are hereby
3 repealed to the extent of such inconsistency: *Provided,*
4 *however,* That nothing in this article shall be construed
5 to affect in any way the laws relating to juvenile proba-
6 tion. Whenever in the official code of West Virginia the

7 words "board of probation and parole" are used and refer
8 to specific administrative and supervisory functions and
9 duties transferred to the division of correction within the
10 office of the commissioner of public institutions by this
11 article, the words shall be construed to mean said division
12 of correction.

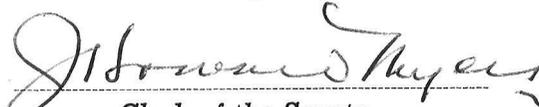
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee


Chairman House Committee

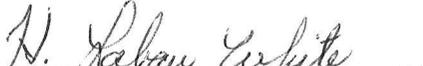
Originated in the House.

Takes effect from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 18
day of March, 1965.


Governor

