WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

Committee Substitute For HOUSE BILL No. 607

(By Mr. )

PASSED March 17, 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 article shall be liberally construed, to the end that persons committed to institutions of the state for crime or delinquency shall be afforded individual and group treatment to reestablish their ability to live peaceably and, consistent with the protection of the community, to release such individuals at the earliest possible date, and to establish a just, humane and efficient program, and to avoid duplication and waste of effort and money on the part of public and private agencies.

Sec. 2. Division of Correction.—The commissioner of public institutions is hereby directed to establish within his department a separate division of correction, which shall consist of a director of correction, such deputy directors as herein provided, and the officers, employees and institutions of such division.
3 [Enr. Com. Sub. for H. B. No. 607]

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.
The warden or superintendent of each of the aforementioned institutions shall be appointed by the governor by and with the advice and consent of the senate.

b. The director of the division of correction shall also be charged with the duty of supervising all persons released on probation and placed in the charge of a state probation and parole officer, and all persons released on parole under any law of this state. He shall also be charged with the duty of supervising all probationers and parolees whose supervision may have been undertaken by this state by reason of any interstate compact entered into pursuant to the uniform act for out-of-state parolee supervision. The director of the division of correction shall prescribe rules and regulations for the supervision of probationers and parolees under its supervision and control. The director of the division of correction shall succeed to all administrative and supervisory powers of the board of probation and parole and the authority of said board of probation and parole in such matters only.

c. The director of the division of correction, with the approval and consent of the commissioner of public in-
stitutions, shall administer all other laws affecting the custody, control, treatment and employment of persons sentenced or committed to institutions under the supervision of the commission of public institutions, or affecting the operation and administration of institutions or functions of the division of correction or activities therein.

d. The final determination regarding the release of inmates from penal institutions and the final determination regarding the revocation of paroles from such institutions pursuant to the provisions of article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, shall remain within the exclusive jurisdiction of the board of probation and parole.

Sec. 3. Appointment of the Director; Appointment of Staff; Duties of Director.—The commissioner of public institutions shall appoint the director of the division of correction who shall be duly qualified by education and experience, with a degree in sociology, psychology, social sciences or some related field, and with a minimum of three years' experience in the field of correction or a related field.
Sec. 4. Powers and Duties of the Director, Appointment of Staff.—Subject to the approval and consent of the commissioner of public institutions the director shall:

a. Exercise general supervision over the administration of the division of correction;

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

c. At the close of each fiscal year, submit to the commissioner of public institutions a report with statistical and other data of the division’s work, including any recommendations for legislation for the improvement of correctional treatment and the more effective work of the division;

d. Recommend qualifications for employment of deputy directors, wardens and superintendents of institu-
tions within the division, all necessary staff for the oper-
ation of the institutions and subdivisions, and state em-
ployed probation and parole personnel;

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

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

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

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

i. Establish, maintain and direct a varied program of
education for inmates in all institutions within the divi-
sion;
Supervise the treatment, custody and discipline of all inmates and the maintenance of the institutions of the division and its industries;

Establish a system of compensation for inmates of the correctional institutions of the state who perform good and satisfactory work either within the industrial program or in the servicing and maintenance of the correctional institutions or any other institutions or camps within the state. The director, with the approval of the commissioner of public institutions, may establish a graduated scale of compensation to be paid to inmates in accordance with their skill in industry, and the director shall recommend rules and regulations for carrying out the purposes of this subsection.

The principal officer of any correctional institution, on request of an inmate, may expend up to one half of the money so earned by such inmate on behalf of the family of such inmate. The remainder of the money so earned, after deducting amounts expended as aforesaid, shall be accumulated to the credit of the inmate and be paid to the inmate at such times as may be prescribed by such
rules and regulations. Such funds so accumulated on behalf of inmates shall be held by the principal officer of each institution, under a bond approved by the attorney general.

The accumulation of such total funds, not necessary for current distribution, shall be invested, with the approval of the director, through the state sinking fund commission, in short term bonds or treasury certificates or equivalent of the United States. Bonds and certificates so purchased shall remain in the custody of the state treasurer. The earnings from investments so made shall be reported to the principal officer of each institution from time to time, as earned, and shall be credited to the respective accounts of such institutions by the sinking fund commission.

When such earnings are transferred to the respective institutions, they shall be credited by the principal officer to the credit of and for the benefit of the inmates' activities account.

Sec. 5. Commitments; Transfer.—All persons committed 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.—

The director shall receive a salary of thirteen thousand dollars per annum. Each deputy director shall receive a salary of ten thousand dollars per annum. Within the limits of available funds the commissioner of public institutions shall fix the salaries or compensation of the other officers and employees employed pursuant to the provisions of this article. All persons employed hereunder shall receive necessary traveling and other expenses. The compensation, salaries, expenses and appropriations provided for the division of correction and its employees shall be paid in the same manner as are those of other state employees and agencies upon recommendation of the director and certification and approval of the commissioner of public institutions.

Sec. 7. Repeal of Inconsistent Laws.—All other laws or parts of laws inconsistent with this article are hereby repealed to the extent of such inconsistency: Provided, however, That nothing in this article shall be construed to affect in any way the laws relating to juvenile probation. Whenever in the official code of West Virginia the
words “board of probation and parole” are used and refer to specific administrative and supervisory functions and duties transferred to the division of correction within the office of the commissioner of public institutions by this article, the words shall be construed to mean said division of correction.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. Ray Parker  
Chairman Senate Committee

James A. Loop  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Johnnie T. Hayes  
Clerk of the Senate

(Blankenship)  
Clerk of the House of Delegates

Howard H. Morgan  
President of the Senate

H. Faber入选  
Speaker House of Delegates

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

Murrell C. Smith  
Governor