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OFFICE OF THE GOVERNOR

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

— ● —

# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1471

(By Mr. Faircloth + Mr. Steptoe)

— ● —

Passed March 12, 1983

In Effect Ninety Days From Passage



**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1471**

(By MR. FAIRCLOTH and MR. STEPTOE)

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[Passed March 12, 1983; in effect ninety days from passage.]

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AN ACT to amend and reenact sections two and two-a, article eight, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to county jails, duty of jailers; penalty; care of prisoners; purchase of medical insurance covering prisoners; alternate methods of payment; reimbursement by prisoners; exceptions; disposition of funds collected; feeding and care of prisoners; purchase of food and supplies; purchasing in open market or by competitive bids; records; inspection by health officer; and payment of costs.

*Be it enacted by the Legislature of West Virginia:*

That sections two and two-a, article eight, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. JAIL AND JAILER.**

**§7-8-2. Sheriff to be keeper of jail; appointment of jailer; care of jail; authorizing purchase of medical insurance; alternate method of payment, reimbursements.**

1     The sheriff of every county shall be the keeper of the  
2     jail thereof, but he may, with the assent of the county  
3     commission, appoint a jailer of the said county, and may take

4 from him a bond with security conditioned for the faithful  
5 performance of his duties. The jailer may be a deputy sheriff  
6 and shall take an oath of office like other officers. He shall  
7 keep the jail in a clean, sanitary and healthful condition. When  
8 any prisoner is sick the jailer shall see that he had adequate  
9 medical and dental attention and nursing, and so far as possible  
10 keep him separate from other prisoners. Any such medical  
11 care and nursing as the jailer may be required to furnish  
12 shall be paid for by the county commission, however,  
13 the county commission is authorized to enter into any con-  
14 tract of insurance that it deems desirable with an in-  
15 surer authorized to do business in this state to provide  
16 blanket insurance coverage indemnifying such commission  
17 for the cost of medical and dental care for prisoners. In the  
18 event that the county commission is unable to secure blanket  
19 insurance coverage then, and only then, the first one thousand  
20 dollars of medical and dental care expense for any prisoner  
21 will be paid by the county; one thousand one dollars to ten  
22 thousand dollars in such expense shall be paid fifty percent  
23 by the county and fifty percent by the state; and over ten  
24 thousand dollars in medical and dental expense shall be paid  
25 by the state: *Provided*, That in the event the county com-  
26 mission is unable to secure or has not otherwise secured  
27 blanket insurance coverage, every prisoner who requires  
28 medical or dental care while incarcerated in the jail shall  
29 reimburse the county commission or the state, whichever is  
30 applicable, for the cost of all such services rendered on his  
31 behalf and paid for by those governmental entities. The  
32 prisoner shall also be required to reimburse the county com-  
33 mission for the costs of any shoes and clothing furnished by  
34 the jailer and retained by the prisoner after his release from  
35 incarceration: *Provided, however*, That no reimbursement for  
36 services shall be required when any medical or dental care has  
37 been rendered for injuries or illnesses sustained as a result  
38 of an act by another prisoner, injuries or illness sustained  
39 where an act or omission by the jailer or any deputy sheriff has  
40 been a contributing factor, or injuries or illnesses resulting  
41 from fire or other catastrophic hazard, all without fault on the  
42 part of the prisoner: *Provided, further*, That no reimburse-  
43 ment shall be required from any indigent person. The reim-

44 bursements required by this section shall be made in full  
 45 within one year of the release of such prisoner. If the re-  
 46 imbursements have not been received within such one year  
 47 period, the county commission or the state may institute a  
 48 civil action against the former prisoner or against any third  
 49 party who is legally liable for the expenses paid by such  
 50 governmental entity. Any funds paid to or collected by the  
 51 county commission pursuant to the provisions of this section  
 52 shall be deposited in the county general fund. Any funds  
 53 paid to or collected by the state pursuant to the provisions  
 54 of this section shall be deposited in the general revenue fund.

55 A failure on the part of the jailer to perform any of the  
 56 duties herein required with respect to any prisoner in his jail  
 57 shall be a contempt of any court of record under whose com-  
 58 mitment such prisoner is confined, and shall be punished as  
 59 other contempts of such court.

**§7-8-2a. Feeding and care of prisoners; purchase of food and sup-  
 plies; purchasing in open market or competitive bids;  
 records; inspection by health officer; payment of costs.**

1 On and after the first day of January, one thousand nine  
 2 hundred forty-nine, the county commission of each county shall  
 3 provide wholesome and sufficient food and clean and sufficient  
 4 bedding for all prisoners confined in the county jail, and shall  
 5 furnish the soaps, disinfectants and other supplies needed by  
 6 the jailer in the performance of his duties. The county com-  
 7 mission may require the jailer to act as its agent for the pur-  
 8 pose of purchasing, preparing and serving food for prisoners.  
 9 If, however, the jailer is not named as such agent, he shall  
 10 make available to the county commission, for use in the prepar-  
 11 ation and serving of food for prisoners, the services of prison-  
 12 ers, to the number requested by the county commission. The  
 13 county commission may employ a cook and such other em-  
 14 ployees as may be necessary in the performance of duties re-  
 15 quired of it by this section.

16 All purchases of food, bedding, and other supplies shall  
 17 whenever practicable be made at wholesale. Invoices or

18 itemized statements of account from each vendor of food,  
19 bedding, and other supplies shall be obtained, and payment of  
20 such statements or invoices shall not be authorized by the  
21 county commission unless and until the county commission has  
22 ascertained that the merchandise has been received and that the  
23 terms of the purchase have been complied with on the part of  
24 the vendor. The county commission may provide for the feed-  
25 ing of prisoners on a contract basis pursuant to the provisions  
26 of section eleven, article one of this chapter.

27 The county commission shall keep or cause to be kept a  
28 daily record showing the total number of prisoners confined in  
29 the jail of the county, the number of prisoners admitted, the  
30 number released, and the time of each such admittance and of  
31 each such release. Such record shall show such information  
32 separately as to the prisoners of the county, of each munici-  
33 pality, and of the United States.

34 The county commission shall also keep or cause to be kept  
35 such other accounts and records as will enable it to show the  
36 per capita daily cost of the feeding and care of prisoners in  
37 each calendar month.

38 The county commission shall require to be kept a daily  
39 record of food served prisoners and, in all counties having a  
40 county health officer, said health officer shall, at least once  
41 a month, inspect such lists and make such recommendations  
42 and suggestions as he may deem proper regarding daily diets  
43 and foods.

44 All actual costs incurred by the county court for salaries  
45 and for the purchase of food, bedding and other supplies shall  
46 be paid out of the same funds as payments to sheriffs of fees  
47 for the feeding and care of prisoners were made immediately  
48 prior to the effective date of this section: *Provided*, That in  
49 counties having thirty thousand population or less, the sheriff,  
50 or the jailer duly appointed as provided in section two, article  
51 eight, chapter seven of this code, shall, if so directed by the  
52 county court, furnish each prisoner with wholesome and  
53 sufficient food.

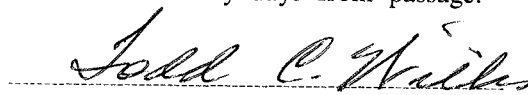
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

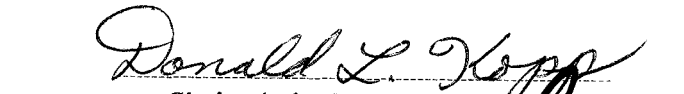

  
Chairman Senate Committee

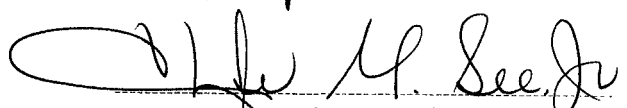
  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates  
  
President of the Senate

  
Speaker House of Delegates

The within is disapproved this the 29  
day of March, 1983.

  
Governor

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