WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

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ENROLLED
Com. Sub. for
HOUSE BILL No. 1471...

(By Mr. Faircloth and Mr. Steptoe)

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Passed March 12, 1983

In Effect Ninety Days From Passage
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 jail thereof, but he may, with the assent of the county commission, appoint a jailer of the said county, and may take
from him a bond with security conditioned for the faithful
performance of his duties. The jailer may be a deputy sheriff
and shall take an oath of office like other officers. He shall
keep the jail in a clean, sanitary and healthful condition. When
any prisoner is sick the jailer shall see that he had adequate
medical and dental attention and nursing, and so far as possible
keep him separate from other prisoners. Any such medical
care and nursing as the jailer may be required to furnish
shall be paid for by the county commission, however,
the county commission is authorized to enter into any con-
tract of insurance that it deems desirable with an ins-
urer authorized to do business in this state to provide
blanket insurance coverage indemnifying such commission
for the cost of medical and dental care for prisoners. In the
event that the county commission is unable to secure blanket
insurance coverage then, and only then, the first one thousand
dollars of medical and dental care expense for any prisoner
will be paid by the county; one thousand one dollars to ten
thousand dollars in such expense shall be paid fifty percent
by the county and fifty percent by the state; and over ten
thousand dollars in medical and dental expense shall be paid
by the state: Provided, That in the event the county com-
mission is unable to secure or has not otherwise secured
blanket insurance coverage, every prisoner who requires
medical or dental care while incarcerated in the jail shall
reimburse the county commission or the state, whichever is
applicable, for the cost of all such services rendered on his
behalf and paid for by those governmental entities. The
prisoner shall also be required to reimburse the county com-
mission for the costs of any shoes and clothing furnished by
the jailer and retained by the prisoner after his release from
incarceration: Provided, however, That no reimbursement for
services shall be required when any medical or dental care has
been rendered for injuries or illnesses sustained as a result
of an act by another prisoner, injuries or illness sustained
where an act or omission by the jailer or any deputy sheriff has
been a contributing factor, or injuries or illnesses resulting
from fire or other catastrophic hazard, all without fault on the
part of the prisoner: Provided, further, That no reimburse-
ment shall be required from any indigent person. The reim-
bursements required by this section shall be made in full within one year of the release of such prisoner. If the reimbursements have not been received within such one year period, the county commission or the state may institute a civil action against the former prisoner or against any third party who is legally liable for the expenses paid by such governmental entity. Any funds paid to or collected by the county commission pursuant to the provisions of this section shall be deposited in the county general fund. Any funds paid to or collected by the state pursuant to the provisions of this section shall be deposited in the general revenue fund.

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

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

On and after the first day of January, one thousand nine hundred forty-nine, the county commission of each county shall provide wholesome and sufficient food and clean and sufficient bedding for all prisoners confined in the county jail, and shall furnish the soaps, disinfectants and other supplies needed by the jailer in the performance of his duties. The county commission may require the jailer to act as its agent for the purpose of purchasing, preparing and serving food for prisoners. If, however, the jailer is not named as such agent, he shall make available to the county commission, for use in the preparation and serving of food for prisoners, the services of prisoners, to the number requested by the county commission. The county commission may employ a cook and such other employees as may be necessary in the performance of duties required of it by this section.

All purchases of food, bedding, and other supplies shall whenever practicable be made at wholesale. Invoices or
itemized statements of account from each vendor of food, bedding, and other supplies shall be obtained, and payment of such statements or invoices shall not be authorized by the county commission unless and until the county commission has ascertained that the merchandise has been received and that the terms of the purchase have been complied with on the part of the vendor. The county commission may provide for the feeding of prisoners on a contract basis pursuant to the provisions of section eleven, article one of this chapter.

The county commission shall keep or cause to be kept a daily record showing the total number of prisoners confined in the jail of the county, the number of prisoners admitted, the number released, and the time of each such admittance and of each such release. Such record shall show such information separately as to the prisoners of the county, of each municipality, and of the United States.

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

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

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