

No. 1453

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 1453

(By Mr. Del. J. Martin + Del. Jordan)

— ● —

Passed March 10, 1984

In Effect Ninety Days From Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1453

(By DELEGATE J. MARTIN and DELEGATE JORDAN)

(Passed March 10, 1984; in effect ninety days from passage.)

AN ACT to amend and reenact section fifteen, article five-b, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the sale of prison-made goods; prohibiting such sales; allowing the sale and distribution of goods designed for use by the blind and handicapped; and allowing the sale of arts and crafts made by individual inmates on a consignment basis.

Be it enacted by the Legislature of West Virginia:

That section fifteen, article five-b, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5B. PRISON-MADE GOODS.

§28-5B-15. Sale of prison-made goods on open market prohibited; penalty; sale of inmate-made arts and crafts permitted.

- 1 (a) Subject to the provisions of subsections (b) and (c) of
2 this section, it is unlawful to sell or offer for sale on the
3 open market of this state any articles or products manufactured
4 or produced wholly or in part, in this or any other state,
5 by convicts or prisoners of this state, or any other state,

6 except convicts or prisoners on parole or probation. Any
7 person violating the provisions of this section is guilty of
8 a misdemeanor, and, upon conviction, shall be punished by
9 a fine of not less than two hundred dollars nor more than
10 five thousand dollars, or by imprisonment in jail not less
11 than three months nor more than one year, or by both fine
12 and imprisonment. Each such sale or offer for sale shall
13 constitute a separate offense under this section.

14 (b) Notwithstanding the provisions of subsection (a) of
15 this section, any articles or products manufactured or pro-
16 duced, wholly, or in part, by inmates of West Virginia penal
17 and correctional institutions and facilities which are de-
18 signed and intended to be used solely by blind and handi-
19 capped persons, including, but not limited to, braille books
20 and reading materials, may be sold or offered for sale or
21 distributed on the open market of this state by the department
22 of corrections or other state department or agency.

23 (c) Notwithstanding the provisions of subsection (a) of
24 this section, arts and crafts produced by inmates may be
25 sold to the general public by the department of corrections
26 or by such other agencies or departments of state government
27 as the commissioner of corrections may designate. The arts
28 and crafts shall be sold only on a consignment basis so that
29 inmates whose arts and crafts products are sold shall receive
30 payment for the products. The payments shall be deposited
31 in such accounts or funds and managed in such a manner
32 as provided by section six, article five of this chapter:
33 *Provided*, That where the state department of corrections or
34 any other agency or department of state government provides
35 any materials used in the production of an arts and crafts
36 product, the fair market value of such materials may be
37 deducted from the account of the individual inmate after the
38 sale of such product.

39 (d) For purposes of this section, "arts and crafts" means
40 articles produced individually by artistic or craft skill such
41 as, but not limited to, painting, sculpture, pottery and jewelry.

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

James L. Lewis

Chairman Senate Committee

Ronald Anello

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Mullis

Clerk of the Senate

Donald L. Stapp

Clerk of the House of Delegates

Waverly P. McHale

President of the Senate

Walter M. See, Jr.

Speaker House of Delegates

The within is approved this the 7^o
day of March, 1984.

[Signature]

Governor

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