WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED

Com. Sub. for
HOUSE BILL No. 1453

(By Mr. Del. J. Martin and 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, 1981; 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 this section, it is unlawful to sell or offer for sale on the open market of this state any articles or products manufactured or produced wholly or in part, in this or any other state, by convicts or prisoners of this state, or any other state,
except convicts or prisoners on parole or probation. Any person violating the provisions of this section is guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than two hundred dollars nor more than five thousand dollars, or by imprisonment in jail not less than three months nor more than one year, or by both fine and imprisonment. Each such sale or offer for sale shall constitute a separate offense under this section.

(b) Notwithstanding the provisions of subsection (a) of this section, any articles or products manufactured or produced, wholly, or in part, by inmates of West Virginia penal and correctional institutions and facilities which are designed and intended to be used solely by blind and handicapped persons, including, but not limited to, braille books and reading materials, may be sold or offered for sale or distributed on the open market of this state by the department of corrections or other state department or agency.

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

(d) For purposes of this section, "arts and crafts" means articles produced individually by artistic or craft skill such 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. Davis  
Chairman Senate Committee

Donald Anello  
Chairman House Committee

Originating in the House.
Takes effect ninety days from passage.

Seth C. Nurses  
Clerk of the Senate

Donald L. Dye  
Clerk of the House of Delegates

Mara B. Methaw  
President of the Senate

John W. See, Jr.  
Speaker House of Delegates

The within  is approved  this the 7th  

day of March, 1984.  

Governor