WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED
SENATE BILL NO. 495

(By Mr. [Signature])

PASSED April 13, 1985
In Effect from Passage
ENROLLED

Senate Bill No. 495

(By Mr. Tucker)

[Passed April 13, 1985; in effect 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 to sale of prison-made goods; and authorizing prison-made goods designed and intended to be used solely by blind and handicapped persons to be offered for sale or distributed on the open market.

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; exceptions.

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 im-
prisonment 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 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 cor-
rections or by such other agencies or departments of state
government as the commissioner of corrections may des-
ignate. The arts and crafts shall be sold only on a con-
signment basis so that inmates whose arts and crafts
products are sold shall receive payment for the products.
The payment 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, pot-
tery and jewelry.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee  
FLOYD FULLER  
Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate  
J. CLIFFORD WILLIS

Clerk of the House of Delegates  
DONALD L. HOGG

President of the Senate  
DAN TALMADGE

Speaker House of Delegates  
JOSPEH F. ALKIRE

The within bill approved this the 8th day of May, 1935.

Governor  
[N. M. Traylor]
PRESENTED TO THE GOVERNOR
Date 4/30/65
Time 6:15 p.m.