

No. 495 ✓

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WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985



ENROLLED

SENATE BILL NO. 495

(By Mr. Jucker)



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)
2 of this section, it is unlawful to sell or offer for sale on
3 the open market of this state any articles or products
4 manufactured or produced wholly or in part, in this or
5 any other state, by convicts or prisoners of this state, or
6 any other state, except convicts or prisoners on parole or
7 probation. Any person violating the provisions of this
8 section is guilty of a misdemeanor, and, upon conviction,
9 shall be punished by a fine of not less than two hundred
10 dollars nor more than five thousand dollars, or by im-

11 imprisonment in jail not less than three months nor more
12 than one year, or by both fine and imprisonment. Each
13 such sale or offer for sale shall constitute a separate
14 offense under this section.

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

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

41 (d) For purposes of this section, "arts and crafts"
42 means articles produced individually by artistic or craft
43 skill such as, but not limited to, painting, sculpture, pot-
44 tery and jewelry.

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

Wesley E. Bell
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originated in the Senate.

In effect from passage.

Jedd C. Hells
Clerk of the Senate

Donald L. Hoop
Clerk of the House of Delegates

Don Toussaint
President of the Senate

Joseph P. Albright
Speaker House of Delegates

The within *approved* this the *2nd*
day of *May*, 1985.

Ant. A. Phares, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 4/30/85

Time 6:15 p.m.