

No: 1523 ✓

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1523.....

(By Mr. Del. Ashley.....)



Passed ..... April 13, ..... 1985

In Effect ..... 90 Days From ..... Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 1523**  
(By DELEGATE ASHLEY)

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[Passed April 13, 1985; in effect ninety days from passage.]

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AN ACT to amend and reenact section two-a, article eight, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the feeding and care of prisoners in the county jails and the powers and duties of the county commissions relating thereto; allowing county commissions to provide for the feeding of prisoners by contracting with county, state or municipal governmental agencies; allowing county commissions to contract for such purpose with private vendors upon competitive bidding; procedure for solicitation of such bidding; purchase of certain supplies for jails; requiring maintenance of certain records and inspection thereof; requiring that all entities providing food services to prisoners be subject to health department inspection; and source of funds for feeding and care of prisoners.

*Be it enacted by the Legislature of West Virginia:*

That section 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.**

**§7-8-2a. Feeding and care of prisoners; purchase of food and supplies; contract for feeding of prisoners; records; inspection by health officer; payment of costs.**

1 (a) On and after the first day of January, one thousand nine

2 hundred forty-nine, the county commission of each county  
3 shall provide wholesome and sufficient food and clean and  
4 sufficient bedding for all prisoners confined in the county jail,  
5 and shall furnish the soaps, disinfectants and other supplies  
6 needed by the jailer in the performance of his duties.

7 (b) The county commission may require the jailer to act as  
8 its agent for the purpose of purchasing, preparing and serving  
9 food for prisoners. If, however, the jailer is not named as such  
10 agent, he may be required to make available to the county  
11 commission for use in the preparation and serving of food for  
12 prisoners, the services of prisoners, to the number requested  
13 by the county commission. The county commission may  
14 employ a cook and such other employees as may be necessary  
15 in the performance of duties required of it by this article.

16 (c) The county commission may provide for the feeding of  
17 prisoners on a contract basis with any other county, state or  
18 municipal governmental agency which at the time of entering  
19 into said contract is required or authorized to provide food  
20 services for other purposes.

21 (d) The county commission may provide for the feeding of  
22 prisoners on a contract basis with any private provider upon  
23 competitive bidding procedures. Solicitation of competitive  
24 bids shall be accomplished by publication of a Class II legal  
25 advertisement in compliance with article three, chapter fifty-  
26 nine of this code. The publication area for such legal  
27 advertisement shall be the county in which the affected jail is  
28 situate.

29 (e) All purchases of food, bedding, and other supplies shall  
30 whenever practicable be made at wholesale. Invoices or  
31 itemized statements of account from each vendor of food,  
32 bedding and other supplies shall be obtained, and payment of  
33 such statements or invoices may not be authorized by the  
34 county commission unless and until the county commission  
35 has ascertained that the merchandise has been received and  
36 that the terms of the purchase have been complied with on  
37 the part of the vendor.

38 (f) The county commission shall keep or cause to be kept  
39 a daily record showing the total number of prisoners confined  
40 in the jail of the county, the number of prisoners admitted,  
41 the number released, and the time of each such admittance and

42 of each such release. Such record shall show such information  
43 separately as to the prisoners of the county, of each  
44 municipality and of the United States. The county commission  
45 shall also keep or cause to be kept such other accounts and  
46 records as will enable it to show the per capita daily cost of  
47 the feeding and care of prisoners in each calendar month.

48 (g) The county commission shall require to be kept a daily  
49 record of food served prisoners and, in all counties having a  
50 county health officer, said health officer shall, at least once  
51 a month, inspect such lists and make such recommendations  
52 and suggestions as he may deem proper regarding daily diets  
53 and foods regardless of how the feeding services are provided.

54 (h) The sheriff, the jailer or any entity contracting with the  
55 county commission to provide food services for prisoners shall  
56 be subject to inspection and regulation by the department of  
57 health in the same manner as any commercial food service.

58 (i) All actual costs incurred by the county commission for  
59 salaries, for the purchase of food, bedding and other supplies  
60 or for services shall be paid out of the same funds as payments  
61 to sheriffs of fees for the feeding and care of prisoners were  
62 made immediately prior to the effective date of this section.  
63 In counties having thirty thousand population or less, the  
64 sheriff, or the jailer duly appointed as provided in section two,  
65 article eight, chapter seven of this code, shall, if so directed  
66 by the county commission, furnish each prisoner with  
67 wholesome and sufficient food.

*[Faint, illegible handwritten text]*

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

*Samuel E. Adams*  
Chairman Senate Committee

*Floyd Fuller*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Fred C. Mills*  
Clerk of the Senate

*Donald D. Hoop*  
Clerk of the House of Delegates

*Don Tombril*  
President of the Senate

*Joseph P. Albright*  
Speaker of the House of Delegates

The within *appeared* this the *1st*  
*Day*  
day of \_\_\_\_\_, 1985.

*Rich A. Braxton*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/19/85

Time 8:31 p.m.

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OFFICE OF THE  
SECRETARY OF STATE