WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1304...

(By Mr. [Signature])

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Passed March 8, 1986

In Effect Ninety Days From Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1304
(By Delegate Wiedebusch)

[Passed March 8, 1986; in effect ninety days from passage.]

AN ACT to repeal section twenty-five, article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section eight, article five, chapter sixty-one of said code, relating to penal correctional and juvenile institutions and jails and offenses related thereto generally; aiding escape of lawfully detained adults and juveniles; penalties; misdemeanor to convey certain article to lawfully detained persons without authority; penalties; felony to transport a firearm or other dangerous or deadly weapon onto the grounds of any jail or prison, or juvenile facility or detention center; penalties; securing articles manufactured at or belonging to any jail, prison, juvenile facility or detention center from any lawfully detained person; penalties; and persuading, inducing or enticing or attempting to persuade, induce or entice lawfully detained persons to escape or to be insubordinate; penalties.

Be it enacted by the Legislature of West Virginia:

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article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section eight, article five, chapter sixty-one of said code be amended and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

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-8. Aiding escape and other offenses relating to adults and juveniles in custody, imprisoned or in detention; penalties.

(a) Where any adult or juvenile is lawfully detained in custody or as an inmate or prisoner in any jail or prison or as a resident of any juvenile facility or juvenile detention center, if any other person shall convey anything into the jail, prison, facility or detention center or other place of custody of such adult or juvenile with the intent to aid or facilitate such adult’s or juvenile’s escape or attempted escape therefrom, or if such other person shall forcibly rescue or attempt to rescue such adult or juvenile therefrom, such other person is guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than one nor more than five years.

(b) Where any adult or juvenile is lawfully detained in custody or as an inmate or prisoner in any jail or prison or as a resident of any juvenile facility or juvenile detention center, if any other person shall convey alcoholic liquors or nonintoxicating beer, any money or other thing of value, any written or printed matter, any article of merchandise, food or clothing, any medicine, drug, poison, explosive, utensil or instrument of any kind to such adult or juvenile without the express authority and permission of the jailer, warden, or other supervising officer and with knowledge that such adult or juvenile is so lawfully detained, such other person is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars and imprisoned in the county jail not less than three nor more than twelve months: Provided, That if any person transports a firearm or other dangerous or deadly weapon onto the grounds of any jail or prison, or juvenile facility or detention center within this state and is unauthorized by law to do so, such person is guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less
than one year nor more than five years.

(c) Whoever purchases, accepts as a gift, or secures by barter, trade or in any other manner, any article or articles manufactured at or belonging to any jail, prison, juvenile facility or juvenile detention center from any inmate prisoner or resident detained therein is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars and imprisoned in the county jail not less than three nor more than twelve months.

(d) Whoever persuades, induces or entices or attempts to persuade, induce or entice, any person who is an inmate or prisoner in any jail or prison or resident of any juvenile facility or juvenile detention center to escape therefrom or to engage or aid in any insubordination to the authority of such jail, prison, juvenile facility or juvenile detention center is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars and imprisoned in the county jail not less than three nor more than twelve months.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within .................................. this the .......... day of __________________________, 1986.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/24/86
Time 11:24 a.m.