

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

Com. Sub. for
HOUSE BILL No. 1304

(By Mr. Del. Kiedelusch)



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article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section eight, article five, chapter sixty-one of said code be amended and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.

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

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

36 than one year nor more than five years.

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

46 (d) Whoever persuades, induces or entices or attempts
47 to persuade, induce or entice, any person who is an
48 inmate or prisoner in any jail or prison or resident of
49 any juvenile facility or juvenile detention center to
50 escape therefrom or to engage or aid in any insubordi-
51 nation to the authority of such jail, prison, juvenile
52 facility or juvenile detention center is guilty of a
53 misdemeanor, and, upon conviction thereof, shall be
54 fined not less than fifty dollars nor more than five
55 hundred dollars and imprisoned in the county jail not
56 less than three nor more than twelve months.

[Handwritten signatures and initials, including "S. J. ...", "J. ...", and "S. ..."]

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

Bruce O. Williams

Chairman Senate Committee

Floyd Fuller

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Hesch

Clerk of the Senate

Donald G. Kopp

Clerk of the House of Delegates

Sam Tomblin

President of the Senate

Joseph P. Allright

Speaker of the House of Delegates

The within *approved* this the *26th*
March
day of -----, 1986.

Richard Pearce Jr.

Governor

PRESENTED TO THE

GOVERNOR

Date 3/24/86

Time 4:24 p.m.

RECEIVED

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OFFICE OF THE
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/06