

No: 2442

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

— ● —

# ENROLLED

Com. SUB. FOR

HOUSE BILL No. 2442

(By Delegates HALE + OVERINGTON)

— ● —

Passed MARCH 14, 1987

In Effect NINETY Days FROM Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2442**  
(By DELEGATES HALE and OVERINGTON)

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[Passed March 14, 1987; in effect ninety days from passage.]

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AN ACT to amend and reenact section four, article fifteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the county and regional convict work force; work by county and regional jail inmates upon county grounds, institutions, roads and bridges to control litter; allowing good time credited to inmates for said work.

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

That section four, article fifteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 15. COUNTY CONVICT ROAD FORCE.**

**§17-15-4. Work by prisoners; relief of sheriffs and others from liability for injuries, etc.**

- 1       (a) Any person convicted of a criminal offense and
- 2       sentenced to confinement in a county or regional jail
- 3       shall, as incident to such sentence of confinement, be
- 4       required to perform labor within the jail, as a trustee
- 5       or otherwise, or in and upon the buildings, grounds,
- 6       institutions, roads, bridges, streams or other public
- 7       works of the county or the area within which the

8 regional jail is located if he or she meets the following  
9 criteria:

10 (1) Such person is at least eighteen years of age;

11 (2) Such person is physically and mentally sound and  
12 has not been exempted for medical reasons from such  
13 work by a licensed physician or other medical profes-  
14 sional; and

15 (3) Such person is deemed by the county commission,  
16 the sheriff or the regional jail commission not to pose  
17 a threat to the community if released for work purposes.

18 (b) The work described in the subsection (a) of this  
19 section shall be performed under the supervision, care  
20 and custody of the county commission, the regional jail  
21 commission, the sheriff, his deputies, correctional  
22 officers or other person charged with inmate supervision  
23 to perform maintenance or control litter in this state.

24 (c) In order to effectuate the provisions of this section  
25 the county commission, the sheriff or the regional jail  
26 commission shall promulgate rules and regulations for  
27 the safe and useful employment of inmate labor.

28 (d) Notwithstanding any provision of this code to the  
29 contrary, the county commission, its members and  
30 agents, the regional jail commission, its members or  
31 agents, the sheriff, his deputies, correctional officers and  
32 agents shall be immune from liability of any kind for  
33 accidents, injuries or death to such inmate except for  
34 accident, injury or death resulting directly from gross  
35 negligence or malfeasance.

36 (e) The sheriff of the county in which the work is to  
37 be performed, with the approval of the county commis-  
38 sion, or the regional jail commission may hire or appoint  
39 any personnel necessary for the supervision of inmate  
40 labor.

41 (f) Nothing in this section shall be construed to allow  
42 the use of inmate labor for private projects or as  
43 contract employees of for profit businesses.

44 (g) Any inmate who performs work pursuant to the  
45 provisions of this section shall receive as sole and full

46 compensation therefor, a reduction in his or her term  
47 of incarceration of not more than twenty-five percent of  
48 the original sentence excluding any other statutorily  
49 granted "good time". Each eight-hour period of ap-  
50 proved work shall entitle an inmate to one day's sentence  
51 reduction: *Provided*, That any "good time" earned  
52 pursuant to the provisions of this section shall be in  
53 addition to any other reduction of sentence the inmate  
54 may accumulate.

55 (h) Any person being held as a detainee or for  
56 contempt may voluntarily participate in such labor as  
57 provided for in this section under the terms and  
58 conditions hereinbefore set forth.

*Am. B.*  
*Am. B.*  
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*Am. B.*

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

*Bruce C. Allison*  
Chairman Senate Committee

*Lyle Satter*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Paul C. Mills*  
Clerk of the Senate

*Donald L. Kopp*  
Clerk of the House of Delegates

*Sam Terhune*  
President of the Senate

*Robert C. Clark*  
Speaker of the House of Delegates

The within *appeared* this the *2nd*  
day of *April*, 1987.

*Arha. Shaver Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/27/87  
Time 2:14 p.m.