

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)

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

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.

James
James
James

Enr. Com. Sub. for. H. B. 2442] 4

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

Bruce O. Allison
Chairman Senate Committee

Lyle Satter
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

John C. Hicks
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Sam Tomlin
President of the Senate

John C. Calhoun
Speaker of the House of Delegates

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

Arch. Shaver Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/27/87

Time 2:14 p.m.