

No: 2331

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



ENROLLED

Com. Sub. for
HOUSE BILL No. 2331

(By ~~Mr.~~ Delegates Yanni + Kelly)



Passed February 11, 1988

In Effect Ninety Days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2331

(By DELEGATES YANNI and KELLY)

[Passed February 11, 1988; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article five, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to crimes committed in aid of escape, conveyance or transportation of prohibited matter, or by the purchase or acceptance of gifts or trades for prison-made goods; creating felony offenses for the transporting of prohibited matter onto the grounds of any jail, prison, juvenile facility or juvenile detention center or conveying prohibited matter to an inmate or prisoner in any jail or prison or to a resident of any juvenile facility or juvenile detention center; and providing for penalties for violations thereof.

Be it enacted by the Legislature of West Virginia:

That section eight, article five, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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 juvenile
6 detention center or other place of custody of such adult
7 or juvenile with the intent to aid or facilitate such
8 adult's or juvenile's escape or attempted escape there-
9 from, or if such other person shall forcibly rescue or
10 attempt to rescue such adult or juvenile therefrom, such
11 other person is guilty of a felony, and, upon conviction
12 thereof, shall be confined in the penitentiary not less
13 than one nor more 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 any
18 money or other thing of value, any written or printed
19 matter, any article of merchandise, food or clothing, any
20 medicine, utensil or instrument of any kind to such adult
21 or juvenile without the express authority and permission
22 of the jailer, warden, or other supervising officer and
23 with knowledge that such adult or juvenile is so lawfully
24 detained, such other person is guilty of a misdemeanor,
25 and, upon conviction thereof, shall be fined not less than
26 fifty dollars nor more than five hundred dollars and
27 imprisoned in the county jail not less than three nor
28 more than twelve months: *Provided*, That nothing herein
29 shall preclude an attorney or any of his or her employees
30 from supplying to such detainee any written or printed
31 material which pertains to that attorney's representa-
32 tion of said detainee.

33 (c) If any person transports any alcoholic liquor,
34 nonintoxicating beer, poison, explosive, firearm or other
35 dangerous or deadly weapon or any controlled substance
36 as defined by chapter sixty-a of this code onto the
37 grounds of any jail or prison, or juvenile facility or
38 detention center within this state and is unauthorized by
39 law to do so, or is unauthorized by the administration
40 of said jail or prison, or juvenile facility or detention
41 center, such person is guilty of a felony, and, upon

42 conviction thereof, shall be fined not less than one
43 thousand nor more than five thousand dollars or
44 imprisoned in the penitentiary not less than one year nor
45 more than five years, or, in the discretion of the court,
46 be confined in the county jail not more than one year
47 and shall be fined not more than five hundred dollars.

48 (d) If any person conveys any alcoholic liquor,
49 nonintoxicating beer, poison, explosive, firearm or other
50 dangerous or deadly weapon, or any controlled sub-
51 stance as defined by chapter sixty-a of this code to an
52 inmate or prisoner in any jail or prison or to any
53 resident of any juvenile facility or juvenile detention
54 center within this state and is unauthorized by law to
55 do so, or is unauthorized by the administration of said
56 jail or prison, or juvenile facility or detention center,
57 such person is guilty of a felony, and, upon conviction
58 thereof, shall be fined not less than one thousand nor
59 more than five thousand dollars or imprisoned in the
60 penitentiary not less than one year nor more than five
61 years.

62 (e) Whoever purchases, accepts as a gift, or secures by
63 barter, trade or in any other manner, any article or
64 articles manufactured at or belonging to any jail, prison,
65 juvenile facility or juvenile detention center from any
66 inmate, prisoner or resident detained therein is guilty
67 of a misdemeanor, and, upon conviction thereof, shall be
68 fined not less than fifty dollars nor more than five
69 hundred dollars and imprisoned in the county jail not
70 less than three nor more than twelve months: *Provided,*
71 That this subsection (e) shall not apply to articles
72 specially manufactured in such jail, prison, juvenile
73 facility or juvenile detention center under the authori-
74 zation of the administration of such jail, prison, juvenile
75 facility or juvenile detention center for sale inside or
76 outside of such jail, prison, juvenile facility or juvenile
77 detention center.

78 (f) Whoever persuades, induces or entices or attempts
79 to persuade, induce or entice, any person who is an
80 inmate or prisoner in any jail or prison or resident of
81 any juvenile facility or juvenile detention center to
82 escape therefrom or to engage or aid in any insubordi-

Enr. Com. Sub. for H. B. 2331] 4

83 nation to the authority of such jail, prison, juvenile
84 facility or juvenile detention center is guilty of a
85 misdemeanor, and, upon conviction thereof, shall be
86 fined not less than fifty dollars nor more than five
87 hundred dollars and imprisoned in the county jail not
88 less than three nor more than twelve months.

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

Bruce O. Williams
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jack C. Mills
Clerk of the Senate

Donald L. Stopp
Clerk of the House of Delegates

Sam Tomberlin
President of the Senate

W. A. R. [Signature]
Speaker of the House of Delegates

The within *approved* this the *22nd*
day of *February*, 1988.

Archie A. Moore Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date 2/18/88

Time 3:20 p.m.

RECEIVED

1953 FEB 29 11 10 AM

OFFICE OF THE ATTORNEY GENERAL
SECRETARIAT OF THE