

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)

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

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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-

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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*  
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Chairman Senate Committee

*Bernard V. Kelly*  
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Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Ed C. Mills*  
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Clerk of the Senate

*Donald L. Stopp*  
-----  
Clerk of the House of Delegates

*Sam Tomberlin*  
-----  
President of the Senate

*[Signature]*  
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Speaker of the House of Delegates

The within *approved* this the *22<sup>nd</sup>*  
day of *February*, 1988.

*Aubd. Thayer Jr.*  
-----  
Governor

PRESENTED TO THE

GOVERNOR

Date 2/18/88

Time 3:20 p.m.

RECEIVED

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OFFICE OF THE ATTORNEY GENERAL  
SECRETARIAT OF THE