WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988

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ENROLLED

Com. Sub. for
HOUSE BILL No. 2331

(By Mr. Delegates Yanni & Kelly)

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

(b) Where any adult or juvenile is lawfully detained in custody or as an inmate or prisoner in any jail or prison or as a resident of any juvenile facility or juvenile detention center, if any other person shall convey any money or other thing of value, any written or printed matter, any article of merchandise, food or clothing, any medicine, utensil or instrument of any kind to such adult or juvenile without the express authority and permission of the jailer, warden, or other supervising officer and with knowledge that such adult or juvenile is so lawfully detained, such other person is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars and imprisoned in the county jail not less than three nor more than twelve months: Provided, That nothing herein shall preclude an attorney or any of his or her employees from supplying to such detainee any written or printed material which pertains to that attorney's representation of said detainee.

(c) If any person transports any alcoholic liquor, nonintoxicating beer, poison, explosive, firearm or other dangerous or deadly weapon or any controlled substance as defined by chapter sixty-a of this code onto the grounds of any jail or prison, or juvenile facility or detention center within this state and is unauthorized by law to do so, or is unauthorized by the administration of said jail or prison, or juvenile facility or detention center, such person is guilty of a felony, and, upon
conviction thereof, shall be fined not less than one
thousand nor more than five thousand dollars or
imprisoned in the penitentiary not less than one year nor
more than five years, or, in the discretion of the court,
be confined in the county jail not more than one year
and shall be fined not more than five hundred dollars.

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

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

(f) Whoever persuades, induces or entices or attempts
to persuade, induce or entice, any person who is an
inmate or prisoner in any jail or prison or resident of
any juvenile facility or juvenile detention center to
escape therefrom or to engage or aid in any insubordi-
nation to the authority of such jail, prison, juvenile
facility or juvenile detention center is guilty of a
misdemeanor, and, upon conviction thereof, shall be
fined not less than fifty dollars nor more than five
hundred dollars and imprisoned in the county jail not
less than three nor more than twelve months.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor