

#4057

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 4057

(By Mr. Speaker, Mr. Chambers, & Del. Hatcher)

— ● —

Passed February 16, 1988

In Effect Ninety Days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4057

(By MR. SPEAKER, MR. CHAMBERS, and DELEGATE HATCHER)

[Passed February 16, 1988; in effect ninety days from passage.]

AN ACT to amend article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, designated sections thirteen and fourteen, relating to the establishment of furlough programs for inmates under the control of the department of corrections in accordance with legislative rules promulgated by such department; authorizing the use of electronic monitoring devices for such purpose; requiring that such furloughed inmates pay reasonable fees to assist in defraying the cost of such program and providing for certain exceptions with respect thereto; establishing a special fund within the state treasury for the purposes of the program; defining certain terminology used; and providing for certain limitations as to the use of such monitoring equipment.

Be it enacted by the Legislature of West Virginia:

That article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, designated sections thirteen and fourteen, to read as follows:

ARTICLE 1. ORGANIZATION AND INSTITUTIONS.

§25-1-13. Furlough programs.

1 The commissioner is hereby authorized to establish a
2 furlough program for inmates under his control and
3 custody. Such program may provide that selected
4 inmates be permitted to reside outside an institution
5 operated by the department of corrections under
6 legislative rules promulgated by the commissioner
7 pursuant to chapter twenty-nine-a of this code.

§25-1-14. Electronic monitoring of inmates; special account established.

1 The commissioner is authorized to use electronic
2 monitoring equipment to aid in the supervision of
3 inmates. Inmates subject to supervision by means of
4 electronic monitoring equipment shall be charged a
5 reasonable fee, to be established under a legislative rule
6 promulgated by the commissioner pursuant to chapter
7 twenty-nine-a of this code, to help defray the costs of the
8 purchase and use of such equipment: *Provided*, That an
9 inmate's inability to pay a fee will not preclude the
10 inmate from being eligible for this program.

11 All moneys collected as such fees shall be deposited
12 in a special account which is hereby created in the state
13 treasury. Such account shall be designated as the
14 "electronic monitoring program account" and the funds
15 deposited in such account shall be used by the commis-
16 sioner only for the operation of the program.

17 "Electronic monitoring equipment" means an elec-
18 tronic device or apparatus approved by the department
19 of corrections which is limited in capability to recording
20 or transmitting information as to the furloughed
21 inmate's presence or nonpresence in a designated area.
22 Such device must be minimally intrusive. The depart-
23 ment of corrections shall not approve any monitoring
24 device which is capable of recording or transmitting (i)
25 visual images, (ii) oral or wire communications or any
26 auditory sound, or (iii) information as to the furloughed
27 inmate's activities while he or she is within the
28 designated area.

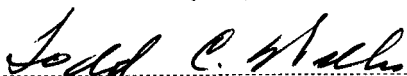
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee


Chairman House Committee

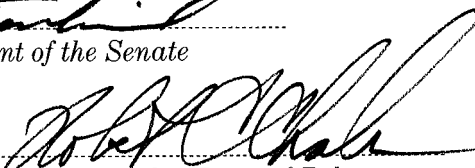
Originating in the House.




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  this the 
day of , 1988.


Governor

PRESENTED TO THE

GOVERNOR

Date 8/23/88

Time 1:53 p.m.

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