WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1998

ENROLLED

House Bill No. 2274
(By Mr. Speaker, Mr. Kiss, and Delegates Walters, Leach, Clements and Webb)

Passed March 14, 1998

In Effect Ninety Days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2274
(BY MR. SPEAKER, MR. KISS, AND DELEGATES WALTERS,
LEACH, CLEMENTS AND WEBB)

[Passed March 14, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section fifteen, article five-b,
chapter twenty-eight of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating to
the sale of prison-made goods; exception to prohibition for
waste tire products; prohibition against sales of waste tire
products at a loss; and profits to be divided equally between
prison industries fund and crime victims fund.

Be it enacted by the Legislature of West Virginia:

That section fifteen, article five-b, chapter twenty-eight of the
code of West Virginia, one thousand nine hundred thirty-one,
as amended, be amended and reenacted to read as follows:

ARTICLE 5B. PRISON-MADE GOODS.
§28-5B-15. Sale of prison-made goods on open market
prohibited; penalty; exceptions.

(a) Subject to the provisions of subsections (b) and (c)
of this section, it is unlawful to sell or offer for sale on the
open market of this state any articles or products
manufactured or produced, wholly or in part, in this or
any other state, by convicts or prisoners of this state, or
any other state, except convicts or prisoners on parole or
probation. This provision does not apply to the sale of
products made with waste tires: Provided, That any use of
waste tires shall comply with applicable laws and rules of
the division of environmental protection: Provided,
however, That any products made by inmates from waste
tires and sold on the open market must be competitively
priced with privately produced goods of the same nature
and may not be sold at a loss: Provided further, That any
profits earned from the sale of products made by inmates
from waste tires shall be distributed as follows: First, to the
prison industries fund to reimburse all moneys expended
in the collection of waste tires and the production of waste
tire products, including a reasonable amount to be set
aside for the periodic replacement of outdated, obsolete or
inoperable machinery or equipment used in collection or
production, and second, any moneys remaining shall be
divided equally between the prison industries fund and the
crime victims compensation fund established by the
provisions of section two, article two-a, chapter fourteen of
this code.

(b) Any person violating the provisions of this section
is guilty of a misdemeanor and, upon conviction, shall be
punished by a fine of not less than two hundred dollars
nor more than five thousand dollars, or by imprisonment
in jail not less than three months nor more than one year,
or by both fine and imprisonment. Each sale or offer for
sale shall constitute a separate offense under this section.

(c) Notwithstanding the provisions of subsection (a) of
this section, any articles or products manufactured or
produced, wholly or in part, by inmates of West Virginia
penal and correctional institutions and facilities which are
designed and intended to be used solely by blind and
handicapped persons, including, but not limited to, braille
books and reading materials, may be sold or offered for
sale or distributed on the open market by the department
of corrections or other state department or agency.

(d) Notwithstanding the provisions of subsection (a) of
this section, arts and crafts produced by inmates may be
sold to the general public by the department of
corrections or by other agencies or departments of state
government as the commissioner of corrections may
designate. The arts and crafts shall be sold only on a
consignment basis so that inmates whose arts and crafts
products are sold shall receive payment for the products.
The payments shall be deposited in the accounts or funds
and managed in a manner as provided by section six,
article five of this chapter: Provided, That where the state
department of corrections or any other agency or
department of state government provides any materials
used in the production of an arts and crafts product, the
fair market value of the materials may be deducted from
the account of the individual inmate after the sale of the
product.

(e) For purposes of this section, "arts and crafts" means
articles produced individually by artistic or craft skill such
as, but not limited to, painting, sculpture, pottery and
jewelry.
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 27th day of November, 1998.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/26/98
Time 10:05 am