

SB 539

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



## ENROLLED

*COMMITTEE SUBSTITUTE FOR*

SENATE BILL NO. 539

(By Senator LOVE, ET AL)



PASSED MARCH 13, 1999

In Effect NINETY DAYS FROM Passage

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## ENROLLED

COMMITTEE SUBSTITUTE

FOR

### Senate Bill No. 539

(SENATORS LOVE, HELMICK, SCHOONOVER, HUNTER, ROSS AND  
BALL, *original sponsors*)

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[Passed March 13, 1999; in effect ninety days from passage.]

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AN ACT to amend and reenact section five, article thirteen, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the incarceration of criminals and the authority of the commissioner of the division of corrections; and authorizing the commissioner of the division of corrections to contract with certain other facilities for incarceration and care of inmates.

*Be it enacted by the Legislature of West Virginia:*

That section five, article thirteen, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 13. CORRECTIONS MANAGEMENT.**

**§62-13-5. Commitments; transfers.**

1 All adult persons sentenced by a court to serve a sen-  
2 tence of incarceration in a penitentiary, prison or a  
3 correctional institution under the jurisdiction of the  
4 commissioner of corrections shall be deemed to be sen-  
5 " tenced to the custody of the commissioner of the division  
6 of corrections. The commissioner, or his or her designee,  
7 has the authority to and may order the transfer of any such  
8 adult to any appropriate institution within the division of  
9 corrections or within the department of military affairs  
10 and public safety. The commissioner has full discretionary  
11 authority to contract with any county jail, regional jail or  
12 other appropriate facility or institution for the incarcera-  
13 tion and care of adult inmates.

14 The commissioner, or his or her designee, may transfer  
15 any adult prisoner or inmate who is mentally disturbed  
16 and who would more appropriately be treated in an  
17 institution under the jurisdiction of the division of health,  
18 to the division, subject to the approval of the director of  
19 health; and may transfer any adult prisoner or inmate to  
20 an appropriate mental facility for specialized medical  
21 treatment.

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

*[Signature]*

Chairman Senate Committee

*[Signature]*  
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

*[Signature]*  
Clerk of the Senate

*[Signature]*  
Clerk of the House of Delegates

*[Signature]*  
President of the Senate

*[Signature]*  
Speaker House of Delegates

The within..... *approved* ..... this the *25th*  
Day of..... *March* ....., 1999

*[Signature]*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 10:45 P.M.