

SB 553

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002



ENROLLED

SENATE BILL NO. 553

(By Senators Howe and Hunter)



PASSED March 7, 2002

In Effect ninety days from Passage

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Senate Bill No. 553

(BY SENATORS LOVE AND HUNTER)

[Passed March 7, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section three-b, article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to funds held by the division of corrections for the benefit of inmates; and allowing inmate benefit funds to be used for expenses related to the inmate telephone system.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.

§25-1-3b. Inmate benefit funds.

- 1 (a) The commissioner of corrections shall establish an
- 2 inmate benefit fund for each of the institutions under his
- 3 or her jurisdiction. The inmate benefit fund is a fund held

4 by the institutions for the benefit and welfare of inmates
5 incarcerated in state correctional facilities and for the
6 benefit of victims.

7 (b) There is hereby created a special revenue account in
8 the state treasury for each inmate benefit fund established
9 by the commissioner. Moneys received by an institution
10 for deposit in an inmate benefit fund shall be deposited
11 with the state treasurer to be credited to the special
12 revenue account created for the institution's inmate
13 benefit fund. Moneys in a special revenue account estab-
14 lished for an inmate benefit fund may be expended by the
15 institution for the purposes set forth in this section.
16 Moneys to be deposited into an inmate benefit fund consist
17 of:

18 (1) All profit from the exchange or commissary opera-
19 tion;

20 (2) All net proceeds from vending machines used for
21 inmate visitation;

22 (3) All proceeds from contracted inmate telephone
23 commissions;

24 (4) Any funds that may be assigned by inmates or
25 donated to the institution by the general public or an
26 inmate service organization on behalf of all inmates;

27 (5) Any funds confiscated considered contraband; and

28 (6) Any unexpended balances in individual inmate
29 trustee funds if designated by the inmate upon his or her
30 discharge from the institution.

31 (c) The inmate benefit fund may only be used for the
32 following purposes at correctional facilities:

33 (1) Open-house visitation functions or other nonroutine
34 inmate functions;

35 (2) Holiday functions which may include decorations and
36 gifts for children of inmates;

- 37 (3) Cable television service;
- 38 (4) Rental of video cassettes;
- 39 (5) Payment of video license;
- 40 (6) Recreational supplies, equipment or area surfacing;
- 41 (7) Reimbursement of employee wages for overtime
42 incurred during open-house visitations and holiday
43 functions;
- 44 (8) Postsecondary education classes;
- 45 (9) Reimbursement of a pro rata share of inmate work
46 compensation;
- 47 (10) Household equipment and supplies in day rooms or
48 units as approved by chief executive officers of institu-
49 tions, excluding supplies used in the daily maintenance
50 and sanitation of the unit;
- 51 (11) Christmas or other holidays gift certificates for each
52 inmate to be used at the exchange or commissary;
- 53 (12) Any expense associated with the operation of the
54 fund;
- 55 (13) Expenditures necessary to properly operate an
56 automated inmate family and victim information notifica-
57 tion system;
- 58 (14) Any expense for improvement of the facility which
59 will benefit the inmate population that is not otherwise
60 funded; and
- 61 (15) Any expense related to the installation, operation
62 and maintenance of the inmate telephone system.
- 63 (d) The institution shall compile a monthly report that
64 specifically documents inmate benefit fund receipts and
65 expenditures and a yearly report for the previous fiscal
66 year by the first day of September of each year and submit
67 the reports to the commissioner.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
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Clerk of the Senate

[Signature]
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Clerk of the House of Delegates

[Signature]
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President of the Senate

[Signature]
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Speaker House of Delegates

The within is approved this the 21st
Day of March, 2002.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/15/02

Time 10:40am