

FILED

2002 FEB 20 P 2:34

WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 2966**

(By Delegates Craig, Leach, Morgan,  
Stephens, Hubbard and Smirl)



Passed February 12, 2002

In Effect Ninety Days from Passage

FILED

2002 FEB 20 P 2:34

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# ENROLLED

COMMITTEE SUBSTITUTE

FOR

## H. B. 2966

(BY DELEGATES CRAIG, LEACH, MORGAN,  
STEPHENS, HUBBARD AND SMIRL)

[Passed February 12, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section twelve, article eight, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the use of correctional officers and home incarceration supervisors to supervise county inmates at county work farms.

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

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

**ARTICLE 8. JAIL AND JAILER.**

**§7-8-12. Establishment, operation and maintenance of county work farms.**

1       The county commission of every county is authorized to  
2 establish, operate and maintain a county work farm to be  
3 operated in connection with the county jail and to be used for  
4 the confinement of prisoners assigned thereto as hereinafter  
5 provided. The county commission is authorized to purchase  
6 land and other property in connection with the establishment of  
7 a work farm and to construct buildings, fences and other  
8 facilities and to acquire any personal property necessary to  
9 maintain and operate the work farm. The cost of the farm shall  
10 be paid out of the general county fund or out of any other funds  
11 available to the county commission for that purpose.

12       The county commission is authorized to make needed  
13 improvements and repairs for the proper upkeep of the work  
14 farm and provide for the necessary food, medical treatment and  
15 safekeeping of the prisoners. The work farm shall be operated  
16 in conjunction with the county jail. The sheriff of the county  
17 shall be responsible for and have the same control of the  
18 prisoners assigned to the work farm as he or she has over the  
19 prisoners confined in the county jail and shall make any rules  
20 necessary for the care and treatment of prisoners assigned  
21 thereto, and shall take proper care for their discipline, diet,  
22 clothing and safety. He or she shall also determine the type and  
23 amount of labor each prisoner performs, and shall perform all  
24 other duties with regard to the prisoners confined at the work  
25 farm as he or she is required to perform with regard to prisoners  
26 in the county jail. He or she may assign deputies, correctional  
27 officers or home incarceration supervisors as guards as may be  
28 necessary to supervise and insure the safekeeping of the  
29 prisoners. Prisoners committed to the work farm shall be  
30 required to perform those duties and labor as are reasonably  
31 permitted by their physical and mental condition. Provision  
32 shall be made for truck and vegetable gardens to be tended by

33 the prisoners, and for the raising of fruit, hogs, poultry, and  
34 other farm products as can be economically and profitably  
35 produced. All food products produced on the work farm shall  
36 be used first for feeding prisoners at the work farm or county  
37 jail, and any surplus may be used at any other county institu-  
38 tion.

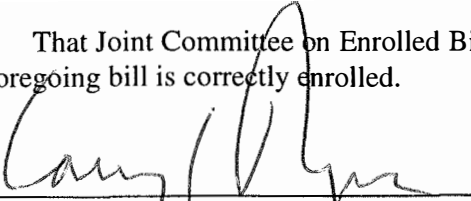
39 The county commission shall employ a superintendent for  
40 the county work farm, whose duty will be to supervise the work  
41 done and to care for and maintain the property and equipment  
42 used in connection therewith and who shall serve until his or  
43 her successor is employed as hereinafter provided. The superin-  
44 tendent shall also keep an accurate record of the number of  
45 prisoners confined at the county work farm and an accurate  
46 record of the cost of operating the work farm and shall make a  
47 report thereof to the county commission as the court may  
48 require, but at least twice each year. He or she shall also keep  
49 a record of the farm products produced on the farm and of the  
50 disposition of the products. The superintendent and his or her  
51 assistants shall be employed by the county commission on the  
52 written recommendation of the sheriff: *Provided*, That the  
53 county commission may not employ any superintendent or  
54 assistant superintendent unless it is satisfied that he or she  
55 possesses the high character, appropriate ability and energy  
56 suitable for that employment.

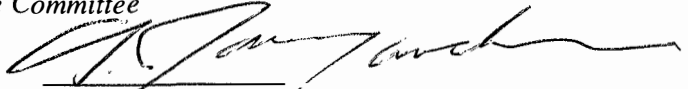
57 The judge of the circuit court or other court having jurisdic-  
58 tion for the trial of felony cases in the county may, upon his or  
59 her own motion or upon application of any prisoner confined in  
60 the county jail either in term time or in vacation, transfer any  
61 prisoner confined in the county jail except those under convic-  
62 tion for a felony to the work farm or transfer any prisoner  
63 confined at the work farm to the county jail. Proper order shall  
64 be entered in the order book of the court of the action. In  
65 sentencing any person to the county jail the judge may stipulate  
66 in the order of sentence whether the person shall be confined in

67 the county jail or confined at the work farm. This provision,  
68 however, may not be construed to give authority to magistrates,  
69 judges of police courts or mayors of municipalities to sentence  
70 persons to the work farm or to transfer persons from the county  
71 jail to the work farm.

72 Any inmate of the work farm who escapes therefrom shall  
73 be punished under the same provisions of law as if he or she  
74 had escaped from the county jail.

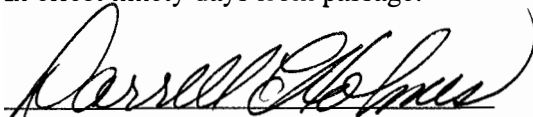
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

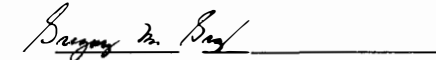
  
\_\_\_\_\_  
Chairman Senate Committee

  
\_\_\_\_\_  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

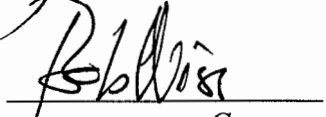
  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 19<sup>th</sup>  
day of February, 2002.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date

*2/14/02*

Time

*3:50 pm*