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OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4494**

(By Delegates Manuel, Staton and Webb)



Passed March 5, 2002

In Effect Ninety Days from Passage

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FOR

**H. B. 4494**

(BY DELEGATES MANUEL, STATON AND WEBB)

[Passed March 5, 2002; in effect ninety days from passage.]

AN ACT to amend article twenty, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five-e, relating to monitoring inmate telephone calls in regional jails.

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

That article twenty, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section five-e, to read as follows:

**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY.**

**§31-20-5e. Monitoring of inmate telephone calls; procedures and restrictions; attorney-client privilege protected and exempted.**

1 The executive director or his or her designee is authorized  
2 to monitor, intercept, record and disclose telephone calls to or  
3 from inmates housed in regional jails in accordance with the  
4 following provisions:

5 (1) All inmates housed in regional jails shall be notified in  
6 writing that their telephone conversations may be monitored,  
7 intercepted, recorded and disclosed;

8 (2) Only the executive director and his or her designee shall  
9 have access to recordings of inmates' telephone calls unless  
10 disclosed pursuant to subdivision (4) of this subsection;

11 (3) Notice shall be prominently placed on or immediately  
12 near every telephone that may be monitored;

13 (4) The contents of inmates' telephone calls may be  
14 disclosed to the appropriate law-enforcement agency only if the  
15 disclosure is:

16 (A) Necessary to safeguard the orderly operation of the  
17 regional jails;

18 (B) Necessary for the investigation of a crime;

19 (C) Necessary for the prevention of a crime;

20 (D) Necessary for the prosecution of a crime;

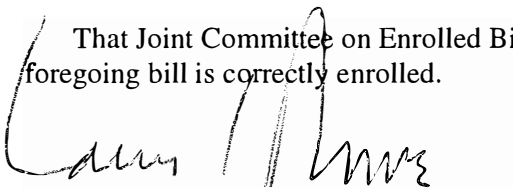
21 (E) Required by an order of a court of competent jurisdic-  
22 tion; or

23 (F) Necessary to protect persons from physical harm or the  
24 threat of physical harm;

25 (5) Recordings of telephone calls may be destroyed after  
26 twelve months unless further retention is required for disclosure  
27 pursuant to subdivision (4) of this subsection or, in the discre-  
28 tion of the executive secretary, for other good cause; and

29 (6) To safeguard the sanctity of the attorney-client privi-  
30 lege, an adequate number of telephone lines that are not  
31 monitored shall be made available for telephone calls between  
32 inmates and their attorneys. Such calls shall not be monitored,  
33 intercepted, recorded or disclosed in any matter.

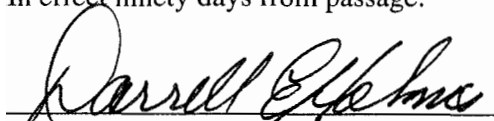
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

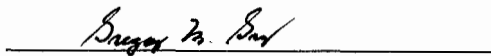
  
Chairman Senate Committee

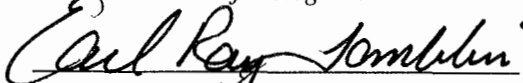
  
Chairman House Committee

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 13<sup>th</sup>  
day of March 2002.

  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/7/02

Time

9:50am