

SB 465

FILED

2002 MAR 21 P 6:43

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002



ENROLLED

Committee Substitute for

SENATE BILL NO. 465

(By Senators Love and Hunter)



PASSED March 7, 2002

In Effect ninety days from Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 465

(SENATORS LOVE AND HUNTER, *original sponsors*)

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

AN ACT to amend and reenact section three-a, article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to removing the ten percent holding of inmate funds requirement for inmates the warden determines are likely to serve the remainder of their natural lives in prison due to their age and the length of their sentences.

Be it enacted by the Legislature of West Virginia:

That section three-a, 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.

§25-1-3a. Trustee accounts and funds, earnings and personal property of inmates.

1 (a) The commissioner of corrections is authorized to
2 establish at each institution under his or her jurisdiction
3 a "trustee fund". The warden or administrator of each
4 institution shall receive and take charge of the money and
5 personal property, as defined by policy, of all inmates in
6 his or her institution and all money or personal property,
7 as defined by policy, sent to the inmates or earned by the
8 inmates as compensation for work performed while they
9 are domiciled there. The warden or administrator shall
10 credit the money and earnings to the inmate entitled to it
11 and shall keep an accurate account of all the money and
12 personal property so received, which account is subject to
13 examination by the state commissioner of corrections. The
14 warden or administrator shall deposit the moneys in one
15 or more responsible banks in accounts to be designated a
16 "trustee fund".

17 (b) For all inmates, except those serving life without
18 mercy and those the warden determines are likely to serve
19 the remainder of their natural lives in the custody of the
20 division of corrections due to their age and the length of
21 their sentences, the warden or administrator shall keep in
22 an account at least ten percent of all money earned during
23 the inmate's incarceration and pay the money to the
24 inmate at the time of the inmate's release.

25 (c) The commissioner of corrections may direct that
26 offenders who work in community work programs, includ-
27 ing work release inmates who have obtained employment,
28 make reimbursement to the state toward the cost of his or
29 her incarceration.

30 (d)(1) Prior to ordering an incarcerated offender to make
31 reimbursement toward the costs of his or her incarcera-
32 tion, the commissioner, or his or her designee, shall
33 consider the following:

34 (A) The offender's ability to pay;

35 (B) The nature and extent of the offender's responsibili-
36 ties to his or her dependents, if any;

37 (C) The length of probable incarceration under the
38 court's sentence; and

39 (D) The effect, if any, that reimbursement might have on
40 the offender's rehabilitation.

41 (2) No order of reimbursement entered pursuant to this
42 section may exceed five hundred dollars per month unless
43 the offender gives his or her express consent.

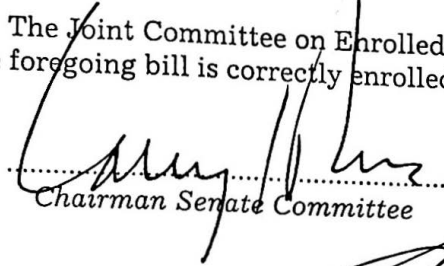
44 (3) The commissioner of corrections shall, prior to the
45 beginning of each fiscal year, prepare a report that details
46 the average cost per inmate incurred by the division for
47 the care and supervision of those individuals in his or her
48 custody.

49 (e) The chief executive officer of any correctional
50 institution, on request of an inmate, may expend up to one
51 half of the money earned by the inmate on behalf of the
52 family of the inmate if the ten percent mandatory savings
53 has first been set aside and other fees owed by the inmate
54 have been paid. The remainder of the money earned, after
55 deducting amounts expended as authorized, shall be
56 accumulated to the credit of the inmate and be paid to the
57 inmate at times as may be prescribed by rules. The funds
58 so accumulated on behalf of inmates shall be held by the
59 chief executive officer of each institution, under a bond
60 approved by the attorney general.

61 (f) The warden or administrator shall deliver to the
62 inmate at the time he or she leaves the institution, or as
63 soon as practicable after departure, all personal property,
64 moneys and earnings then credited to the inmate, or in
65 case of the death of the inmate before authorized release
66 from the institution, the warden or administrator shall
67 deliver the property to the inmate's personal representa-
68 tive. In case a conservator is appointed for the inmate
69 while he or she is domiciled at the institution, the warden

70 or administrator shall deliver to the conservator, upon
71 proper demand, all moneys and personal property belong-
72 ing to the inmate that are in the custody of the warden or
73 administrator.

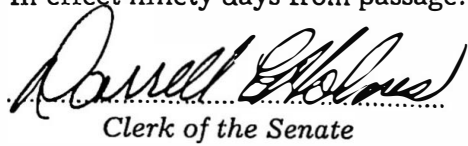
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

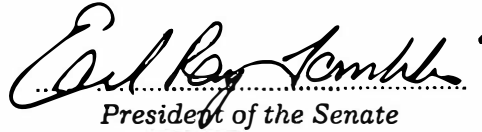

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Chairman House Committee

Originated in the Senate.

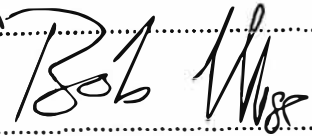
In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

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

.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/15/02

Time 10:40am