WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2003

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ENROLLED

House Bill No. 2847
(By Delegates Stemple, Crosier, Williams, Kominar and Cann)

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Passed March 8, 2003

In Effect Ninety Days from Passage
AN ACT to amend and reenact section thirteen, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the law-enforcement agency that places a person under arrest being responsible for the person’s initial transportation to a regional or county jail, except where a transportation agreement exists between the other agency and the sheriff; and requiring convicted persons to pay cost of transportation.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article seven, 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 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.

§7-7-13. Allowance for expenses of sheriff.
The county commission of every county having a population of thirty thousand or less as determined by the latest official census available and which, as provided in section two-a, article eight of this chapter, has directed the sheriff as jailer to feed prisoners shall, in addition to his or her compensation, allow to the sheriff for keeping and feeding each prisoner, other than federal prisoners or prisoners held under civil process as provided by law, not more than five dollars per day for each prisoner.

The limitation per day shall not include cost of personal service, bed or bedding, soaps and disinfectants and items of like kind, the cost of which shall be paid out of the allowance fixed by the county commission under the provisions of present law.

All supplies of whatever kind for keeping and feeding prisoners shall be purchased upon the requisition of the sheriff under rules prescribed by the county commission. At the end of each month the sheriff shall file with the county commission a detailed statement showing the name of each prisoner, date of commitment, date of discharge, the number of days in jail and an itemized statement showing each purchase and the cost for keeping and feeding prisoners.

The county commission of every county shall allow the actual and necessary expenses incurred by the sheriff in the discharge of his or her duties, including, but not limited to: those incurred in arresting, pursuing or transporting persons accused or convicted of crimes and offenses; in the cost of law-enforcement and safety equipment; in conveying or transporting a prisoner from and to jail to participate in court proceedings; and in conveying or transferring any person to or from any state institution where he or she may be committed from his or her county, where the sheriff is authorized to convey or transfer the person: Provided, That the law-enforcement agency that places
a person under arrest shall be responsible for the person’s initial
transportation to a regional or county jail, except where there is
a preexisting agreement between the county and the political
body the other law-enforcement agency serves. Any person
transported to the regional jail as provided for by the provisions
of this section shall, upon conviction for the offense causing his
or her incarceration, pay the reasonable costs of the transporta-
tion. The money is to be collected by the court of conviction at
the current mileage reimbursement rate. The county commis-
sion shall allow the actual and necessary expenses incurred in
serving summonses, notices or other official papers in connec-
tion with the sheriff’s office.

Every sheriff shall file monthly, under oath, an accurate
account of all the actual and necessary expenses incurred by
him or her, his or her deputies, assistants and employees in the
performance and discharge of their official duties supported by
verified accounts before reimbursement thereof shall be
allowed by the county commission. Reimbursement, properly
allowed, shall be made from the general county fund.
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 29th
day of March, 2003.

Governor