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2005 APR 18 A 8:40

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 2128**

(By Delegates Perry, Pino, Leach and Michael)



Passed April 6, 2005

In Effect Ninety Days from Passage

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FOR

**H. B. 2128**

(BY DELEGATES PERRY, PINO, LEACH AND MICHAEL)

[Passed April 6, 2005; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-20-29, relating to authorizing the Executive Director of the Regional Jail and Correctional Facility Authority to establish an inmate furlough program and providing civil immunity.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §31-20-29, to read as follows:

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

**§31-20-29. Furlough program.**

1 (a) The Executive Director, or his or her designee, is  
2 authorized to establish under legislative rules promulgated by  
3 the Executive Director pursuant to article three, chapter twenty-  
4 nine-a of this code a furlough program for inmates under the  
5 Authority's control and custody in accordance with the follow-  
6 ing provisions:

7 (1) The program may include, but is not limited to,  
8 granting furloughs or special escorts for specified inmates  
9 under the Authority's control and custody to attend funerals or  
10 make hospital visits to terminally ill family members.

11 (2) The Executive Director shall establish criteria to be used  
12 in determining which inmates are not likely to jeopardize public  
13 safety and should be granted a furlough or a special escort  
14 through this program.

15 (3) The Executive Director is authorized to establish any  
16 other guidelines he or she considers necessary to administer the  
17 program and to ensure public safety, including, but not limited  
18 to:

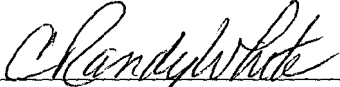
19 (A) Guidelines relating to eligibility for consideration,  
20 restrictions, conditions and procedures; and

21 (B) The family relationship an inmate must have with the  
22 deceased or terminally ill individual in order to qualify for  
23 consideration for a furlough.

24 (b)(1) The Regional Jail and Correctional Facility Author-  
25 ity, its members, Executive Director and employees of the  
26 Authority are immune from suit and liability, either personally  
27 or in their official capacity, for any claim for damage to or loss  
28 of property or personal injury or other civil liability caused or  
29 arising out of any actual or alleged act of an inmate while on a  
30 furlough granted under this section.

31       (2) The immunity from suit and liability provided in this  
32 subsection does not extend to liability for any damage, loss,  
33 injury or liability caused by the intentional or willful and  
34 wanton misconduct of any person identified in subdivision (1)  
35 of this subsection.

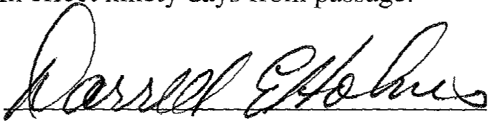
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

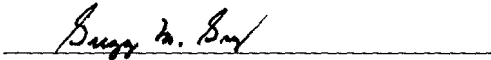
  
Chairman Senate Committee

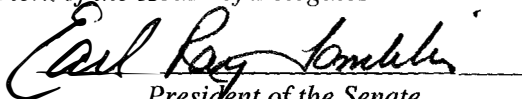
  
Chairman House Committee

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 14<sup>th</sup>  
day of April, 2005.

  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/12/05

Time 2:50pm