

FILED

2005 MAY -3 A 8:59

CIVIL SERVICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2471

(By Delegates Perry, Beach, Hartman,
Pino, Leach and Michael)



Passed April 9, 2005

In Effect Ninety Days from Passage

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FOR

H. B. 2471

(BY DELEGATES PERRY, BEACH, HARTMAN,
PINO, LEACH AND MICHAEL)

[Passed April 9, 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 §25-1-3c, relating to inmate funds; establishing a financial responsibility program for inmates; requiring wardens to deduct a portion from inmate earnings to be used to satisfy child support payments and legitimate court-ordered financial obligations; providing for administrative fees; and requiring the Division of Corrections to develop policies and procedures for the administration of the program and the maintenance of records.

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 §25-1-3c, to read as follows:

**ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS
MANAGEMENT.**

§25-1-3c. Financial responsibility program for inmates.

1 (a) The Legislature finds that:

2 (1) There is an urgent need for vigorous enforcement of
3 child support, restitution and other court ordered obligations;

4 (2) The duty of inmates to provide for the needs of depend-
5 ent children, including their necessary food, clothing, shelter,
6 education and health care should not be avoided because of
7 where the inmate resides;

8 (3) A person owing a duty of child support who chooses to
9 engage in behaviors that result in the person becoming incarcer-
10 ated should not be able to avoid child support obligations; and

11 (4) Each sentenced inmate should be encouraged to meet
12 his or her legitimate court-ordered financial obligations.

13 (b) As part of the initial classification process into a
14 correctional facility, the Division of Corrections shall assist the
15 inmate in developing a financial plan for meeting the inmate's
16 child support obligations, if any exist. At subsequent program
17 reviews, the Division shall consider the inmate's efforts to
18 fulfill those obligations as indicative of that individual's
19 acceptance and demonstrated level of responsibility.

20 (c)(1) The warden shall deduct from the earnings of each
21 inmate, legitimate court-ordered financial obligations. The
22 warden shall also deduct child support payments from the
23 earnings of each inmate who has a court-ordered financial
24 obligation. The Commissioner of the Division of Corrections
25 shall develop a policy that outlines the formula for the distribu-
26 tion of the offender's income and the formula shall include a

27 percentage deduction, not to exceed forty percent in the
28 aggregate, for any court ordered victim restitution, court fees
29 and child support obligations owed under a support order,
30 including an administrative fee not to exceed one dollar,
31 consistent with the provisions of subsection c, section four
32 hundred six, article fourteen, chapter forty-eight of this code, to
33 support the Division of Correction's administration of this
34 financial service.

35 (2) In the event that the inmate worker's income is subject
36 to garnishment for child support enforcement deductions, it
37 shall be calculated on the net wages after taxes, legal financial
38 obligations and garnishment.

39 (3) The Division of Corrections shall develop the necessary
40 administrative structure to record inmates' wages and keep
41 records of the amount inmates pay for child support.

42 (4) Nothing in this section limits the authority of the Bureau
43 for Child Support Enforcement of the Department of Health and
44 Human Resources from taking collection action against an
45 inmate's moneys, assets or property.

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.

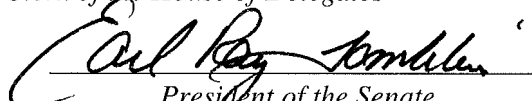
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

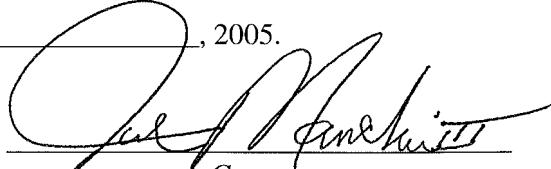


President of the Senate



Speaker of the House of Delegates

The within is approved this the 2nd
day of May, 2005.



Governor

PRESENTED TO THE
GOVERNOR

MAY 2 2005

Time 10:15 am.