WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2012

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 566
(Senators Wills and Foster, original sponsors)

[Passed March 10, 2012; in effect ninety days from passage.]
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(SENATORS WILLS AND FOSTER, original sponsors)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §25-1-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Corrections to contract with nonprofit or charitable entities, including but not limited to nonprofit community mental health clinics, operating half-way houses or transitional housing facilities for the placement of persons in the commissioner’s custody, whether confined or under parole supervision; requiring persons with the ability to pay to reimburse the state for the costs of the placement; and requiring the Division of Corrections to provide certain information about the placements to the Governor.

Be it enacted by the Legislature of West Virginia:

That §25-1-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.

§25-1-3. Institutions managed by Commissioner of Corrections; certain institutions transferred to Department of
Health and Human Resources; establishment of work and study release units; contracting with certain entities for reentry and direct placement services; reports to Governor.

(a) The Commissioner of Corrections shall manage, direct, control and govern the following penal or correctional institutions and any others placed under his or her jurisdiction or control:

Mount Olive Correctional Complex;
Huttonsville Correctional Center;
Anthony Correctional Center;
Denmar Correctional Center;
Pruntytown Correctional Center;
Northern West Virginia Correctional Center;
St. Marys Correctional Center;
Lakin Correctional Center;
Ohio County Correctional Center;
Beckley Correctional Center; and
Martinsburg Correctional Center.

(b) The Commissioner of Corrections may contract with the county commission of McDowell County to house and incarcerate inmates at the Stevens Correctional Center consistent with all requirements and standards governing the Division of Corrections.

(c) Jurisdiction of and title to the West Virginia Children's Home at Elkins are hereby transferred to the Department of Health and Human Resources, which is the custodian of all deeds and other muniments of title to the property and shall record those that are susceptible of recordation to be recorded in the proper offices. Notwithstanding any provi-
(d) The Commissioner of Corrections may establish work and study release units as extensions and subsidiaries of those state institutions under his or her control and authority. The work and study release units may be coeducational and shall be managed, directed and controlled as provided in this article.

(e)(1) The commissioner may contract with nonprofit or charitable entities, including but not limited to nonprofit community mental health clinics, operating half-way houses or transitional housing facilities for the placement of persons in the commissioner's custody, whether confined or under parole supervision, as long as such facilities meet standards and criteria established by the commissioner.

(2)(A) The Commissioner of Corrections may direct that a person who is placed in a half-way house or transitional housing facility under this section make reimbursement to the state in the amount of a reasonable sum calculated to offset all or part of the costs of the placement.

(B) Prior to ordering the person to make the reimbursement, the commissioner, or his or her designee, shall consider the following:

(i) The person's ability to pay;

(ii) The nature and extent of the person's responsibilities to his or her dependents, if any;

(iii) The length of probable incarceration under the court's sentence; and

(iv) The effect, if any, that reimbursement might have on the person's rehabilitation.

(f) The Division of Corrections shall provide the number of persons placed in a half-way house or a transitional
housing facility pursuant to subsection (e) of this section in its report made pursuant to section twenty, article one, chapter five of this code, and shall describe its plans to use the authority provided under the provisions of subsection (e) of this section in furtherance of the duties and responsibilities imposed by this article.

(g) Any person employed by the Office of Public Institutions who on the effective date of this article is a classified civil service employee shall, within the limits contained in section two, article six, chapter twenty-nine of this code, remain in the civil service system as a covered employee.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate. 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 30th Day of March, 2012.

Governor
PRESENTED TO THE GOVERNOR

MAR 29 2012

Time 8:40 am