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**WEST VIRGINIA LEGISLATURE** WEST VIRGINIA  
**EIGHTY-SECOND LEGISLATURE** SECRETARY OF STATE

**REGULAR SESSION, 2015**



**ENROLLED**

**Senate Bill No. 445**

(BY SENATORS M. HALL, STOLLINGS, BOLEY,  
BOSO, SNYDER, FACEMIRE AND PLYMALE)

[PASSED MARCH 10, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB445 (veto)

**E N R O L L E D**

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BOSO, SNYDER, FACEMIRE AND PLYMALE)

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[Passed March 10, 2015; in effect ninety days from passage.]

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AN ACT to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to the use and investment of Regional Jail and Correctional Facility Authority funds.

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

That §31-20-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

**§31-20-10. Regional Jail and Correctional Facility Authority funds.**

- 1 (a) The Regional Jail and Correctional Facility Authority
- 2 may create special funds in the State Treasury to identify
- 3 various revenue sources and payment of specific obligations.
- 4 These funds may be used for purposes that include, but are
- 5 not limited to, the construction, renovation or repair of
- 6 specific facilities, cash control, facility maintenance and the
- 7 individual operations accounts of facilities operated by the

8 authority. The authority may create other separate accounts  
9 within these funds that it determines are necessary for the  
10 efficient operation of the authority.

11 (b) Revenues deposited into these funds shall be used to  
12 make payments of interest and shall be pledged as security  
13 for bonds, security interests or notes issued or lease-purchase  
14 obligations entered into with another state entity by the  
15 authority pursuant to this article.

16 (c) Whenever the authority determines that the balance in  
17 these funds is in excess of the immediate requirements of this  
18 article, it may request that the excess be invested in the West  
19 Virginia Board of Treasury Investments or the West Virginia  
20 Investment Management Board until needed. Earnings on  
21 any investments pursuant to this section shall be credited to  
22 these funds.

23 (d) If the authority determines that moneys held in these  
24 funds are in excess of the amount needed to carry out the  
25 purposes of this article, it shall take any action that is  
26 necessary to release the excess and transfer it to the General  
27 Revenue Fund of the State Treasury.

28 (e) These funds consist of the following:

29 (1) Amounts raised by the authority by the sale of bonds  
30 or other borrowing authorized by this article;

31 (2) Moneys collected and deposited in the State Treasury  
32 which are specifically designated by Acts of the Legislature  
33 for inclusion in these funds;

34 (3) Contributions, grants and gifts from any source, both  
35 public and private, which may be used by the authority for  
36 any project or projects;

37       (4) All sums paid by the counties pursuant to subsection  
38 (h) of this section; and

39       (5) All interest earned on investments made by the state  
40 from moneys deposited in these funds.

41       (f) The amounts deposited in these funds shall be  
42 accounted for and expended in the following manner:

43       (1) Amounts raised by the sale of bonds or other  
44 borrowing authorized by this article shall be deposited in a  
45 separate account within these funds and expended for the  
46 purpose of construction, renovation and repair of correctional  
47 facilities, regional jails and juvenile detention and  
48 correctional facilities for which need has been determined by  
49 the authority;

50       (2) Amounts deposited from all other sources shall be  
51 pledged first to the debt service on any bonded indebtedness,  
52 including lease-purchase obligations entered into by the  
53 authority with another state entity or other obligation incurred  
54 by borrowing of the authority;

55       (3) After any requirements of debt service have been  
56 satisfied, the authority shall requisition from these funds the  
57 amounts that are necessary to provide for payment of the  
58 administrative expenses of this article;

59       (4) The authority shall requisition from these funds, after  
60 any requirements of debt service have been satisfied, the  
61 amounts that are necessary for the maintenance and operation  
62 of regional jails that are constructed pursuant to the  
63 provisions of this article and shall expend those amounts for  
64 that purpose. These funds shall make an accounting of all  
65 amounts received from each county by virtue of any filing  
66 fees, court costs or fines required by law to be deposited in

67 these funds and amounts from the jail improvement funds of  
68 the various counties. After the expenses of administration  
69 have been deducted, the amounts expended in the respective  
70 regions from those sources shall be in proportion to the  
71 percentage the amount contributed to these funds by the  
72 counties in each region bears to the total amount received by  
73 these funds from those sources;

74 (5) Notwithstanding any other provisions of this article,  
75 sums paid into these funds by each county pursuant to  
76 subsection (h) of this section for each inmate shall be placed  
77 in a separate account and shall be requisitioned from these  
78 funds to pay for costs incurred at the regional jail facility at  
79 which each inmate was incarcerated; and

80 (6) Any amounts deposited in these funds from other  
81 sources permitted by this article shall be expended in the  
82 respective regions based on particular needs to be determined  
83 by the authority.

84 (g) (1) After a regional jail facility becomes available  
85 pursuant to this article for the incarceration of inmates, each  
86 county within the region shall incarcerate all persons whom  
87 the county would have incarcerated in any jail prior to the  
88 availability of the regional jail facility in the regional jail  
89 facility except those whose incarceration in a local jail  
90 facility used as a local holding facility is specified as  
91 appropriate under the standards and procedures developed  
92 pursuant to section nine of this article and who the sheriff or  
93 the circuit court elects to incarcerate therein.

94 (2) Notwithstanding the provisions of subdivision (1) of  
95 this subsection, circuit and magistrate courts are authorized to:

96 (A) Detain persons who have been arrested or charged  
97 with a crime, in a county or municipal jail, specified as

98 appropriate under the standards and procedures developed  
99 pursuant to section nine of this article, for a period not to  
100 exceed ninety-six hours; or

101 (B) Commit persons convicted of a crime in a county or  
102 municipal jail, specified as appropriate under the standards  
103 and procedures developed pursuant to section nine of this  
104 article, for a period not to exceed fourteen days.

105 (h) When inmates are placed in a regional jail facility  
106 pursuant to subsection (g) of this section, the county shall pay  
107 into the Regional Jail and Correctional Facility Authority  
108 Fund a cost per day for each incarcerated inmate to be  
109 determined by the Regional Jail and Correctional Facility  
110 Authority according to criteria and by procedures established  
111 by legislative rules proposed for promulgation pursuant to  
112 article three, chapter twenty-nine-a of this code and as  
113 established in section ten-a of this article to cover the costs of  
114 operating the regional jail facilities of this state to maintain  
115 each inmate. The per diem costs for incarcerating inmates  
116 may not include the cost of construction, acquisition or  
117 renovation of the regional jail facilities: *Provided*, That each  
118 regional jail facility operating in this state shall keep a record  
119 of the date and time that an inmate is incarcerated and a  
120 county may not be charged for a second day of incarceration  
121 for an individual inmate until that inmate has remained  
122 incarcerated for more than twenty-four hours. After that, in  
123 cases of continuous incarceration, subsequent per diem  
124 charges shall be made upon a county only as subsequent  
125 intervals of twenty-four hours pass from the original time of  
126 incarceration.

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

*Paul R. Meyer*  
.....  
Chairman Senate Committee

*John B. Hill*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Clark A. Barnes*  
.....

Clerk of the Senate

*Steph D. Thomas*  
.....

Clerk of the House of Delegates

*Phillip Phillips*  
.....

President of the Senate

*Paul M. Stamper*  
.....

Speaker of the House of Delegates

The within is approved..... this the *15<sup>th</sup>*  
Day of *April*....., 2015.

*Earl Ray Tomblin*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 16 2015

Time 10:46 AM