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WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4415

BY DELEGATES GREEN, JEFFRIES, HANSHAW (MR.
SPEAKER), PINSON, FUNKHOUSER, BUTLER, BROOKS,
MARPLE, HOTT, BROWNING, AND B. WARD

[Passed March 14, 2026; in effect 90 days from
passage (June 12, 2026)]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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1 AN ACT to amend and reenact §61-5-8 of the Code of West Virginia, 1931, as amended, relating
2 to federal correctional institutions; adding federal correctional institutions to the list of
3 correctional facilities in which it is a criminal offense to deliver anything unlawfully to a
4 person in custody or confined therein; adding telecommunications device as a prohibited
5 object that may be delivered or transported, or caused to be delivered or transported, into
6 a correctional institution; updating and expanding the definition of a telecommunications
7 device; and amending, enhancing, and modifying criminal penalties related to crime of
8 aiding escape and other offenses relating to adults and juveniles in custody or
9 confinement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

**§61-5-8. Aiding escape and other offenses relating to adults and juveniles in custody or
confinement; penalties.**

1 (a) Where any adult or juvenile is lawfully detained in custody or confinement in any jail,
2 state correctional facility, juvenile facility, juvenile detention center, or federal correctional facility,
3 if any other person delivers anything into the place of custody or confinement of the adult or
4 juvenile with the intent to aid or facilitate the adult's or juvenile's escape or attempted escape from
5 the facility, or if the other person forcibly rescues or attempts to rescue an adult or a juvenile from
6 the facility, the other person is guilty of a felony and, upon conviction thereof, shall be confined in
7 a state correctional facility not less than three nor more than 15 years.

8 (b) Where any adult or juvenile is lawfully detained in custody or confinement in any jail, a
9 state correctional facility, a juvenile facility or juvenile detention center, or federal correctional
10 facility, if any other person delivers any money or other thing of value, any written or printed
11 matter, any article of merchandise, food or clothing, any medicine, utensil or instrument of any
12 kind to the adult or juvenile without the express authority and permission of the supervising officer
13 and with knowledge that the adult or juvenile is lawfully detained, the other person is guilty of a

14 misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500
15 and confined in jail not less than three nor more than 12 months: *Provided*, That the provisions of
16 this section do not prohibit an attorney or his or her employees from supplying any written or
17 printed material to an adult or juvenile which pertains to that attorney's representation of the adult
18 or juvenile.

19 (c) If any person transports, or causes to be transported, any alcoholic liquor,
20 nonintoxicating beer, poison, implement of escape, dangerous material, weapon,
21 telecommunication device, or any controlled substance as defined by chapter 60A of this code
22 onto the grounds of any jail, state correctional facility, juvenile facility, juvenile detention center,
23 or federal correctional facility within this state and is unauthorized by law to do so, or is
24 unauthorized by the persons supervising the facility, the person is guilty of a felony and, upon
25 conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or confined in a state
26 correctional facility not less than two years nor more than 10 years, or both.

27 (d) If any person delivers, or causes to be delivered, any alcoholic liquor, nonintoxicating
28 beer, poison, implement of escape, dangerous material, weapon, telecommunication device, or
29 any controlled substance as defined by chapter 60A of this code to an adult or juvenile in custody
30 or confinement in any jail, state correctional facility, juvenile facility, juvenile detention center, or
31 federal correctional facility within this state and is unauthorized by law to do so, or is unauthorized
32 by the persons supervising the facility, the person is guilty of a felony and, upon conviction thereof,
33 shall be fined not less \$1,000 nor more than \$5,000, or confined in a state correctional facility not
34 less than two nor more than 10 years, or both.

35 (e) Whoever purchases, accepts as a gift, or secures by barter, trade, or in any other
36 manner any article or articles manufactured at or belonging to any jail, state correctional facility,
37 juvenile facility, juvenile detention center, or federal correctional facility from any adult or juvenile
38 detained in the facility is guilty of a misdemeanor and, upon conviction thereof, shall be fined not
39 less than \$50 nor more than \$500 and confined in jail not less than three nor more than 12 months:

40 *Provided*, That the provisions of this subsection do not apply to articles specially manufactured in
41 any facility under the authorization of the persons supervising the facility and which are offered
42 for sale within or outside of the facility.

43 (f) Whoever persuades, induces, or entices or attempts to persuade, induce, or entice any
44 person who is in custody or confined in any jail, state correctional facility, juvenile facility, juvenile
45 detention center, or federal correctional facility to escape from the facility or to engage or aid in
46 any insubordination to the persons supervising the facility is guilty of a felony and, upon conviction
47 thereof, shall be fined not less than \$1,000 nor more than \$5,000 or confined in a state correctional
48 facility not less than two nor more than 10 years, or both.

49 (g) (1) An inmate of a jail, state correctional facility, juvenile facility, juvenile detention
50 center, or federal correctional facility having in his or her possession any poison, implement of
51 escape, dangerous material, weapon, telecommunications device or any controlled substance as
52 defined by Chapter 60A of this code is guilty of a felony and, upon conviction thereof, shall be
53 fined not less than \$1,000 nor more than \$5,000 or confined in a state correctional facility not less
54 than two years nor more than 10 years, or both.

55 (2) An inmate of a jail, state correctional facility, juvenile facility, juvenile detention center,
56 or federal correctional facility having in his or her possession any alcoholic liquor, nonintoxicating
57 beer, money or other thing of value, any written or printed matter, any article of merchandise, food
58 or clothing, any medicine, utensil or instrument of any kind without the express authority and
59 permission of the supervising officer is guilty of a misdemeanor and, upon conviction thereof, shall
60 be fined not less than \$50 nor more than \$500 and confined in jail not more than 12 months.

61 (h) As used in this section:

62 (1) "Dangerous material" means any incendiary material or device, highly flammable or
63 caustic liquid, explosive, bullet, or other material readily capable of causing death or serious bodily
64 injury.

65 (2) "Delivers" means to transfer an item to an adult or juvenile who is detained in custody
66 or confinement in any jail, correctional facility, juvenile facility, juvenile detention center, federal
67 correctional facility or a building appurtenant to those places. The term includes bringing the item
68 into a jail, correctional facility, juvenile facility, or juvenile detention center, or a building
69 appurtenant to those places. The term includes putting an item in a place where it may be obtained
70 by an inmate.

71 (3) "Inmate" means an adult or juvenile who is detained in custody or confinement in any
72 jail, correctional facility, juvenile facility, juvenile detention center, or federal correctional facility,
73 regardless of whether the individual is temporarily absent due to medical treatment,
74 transportation, court appearance, or other reason for a temporary absence.

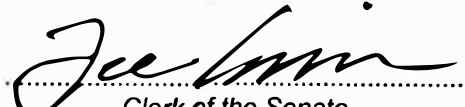
75 (4) "Implement of escape" means a tool, implement, device, equipment, or other item
76 which an inmate is not authorized to possess capable of facilitating, aiding, or concealing an
77 escape or attempted escape by an inmate.

78 (5) "Telecommunication device" means any type of instrument, device, machine, or
79 equipment which is capable of transmitting or receiving telephonic, electronic, digital, cellular,
80 satellite, internet, or radio communications or any part of an instrument, device, machine, or
81 equipment which is capable of facilitating the transmission or reception of telephonic, electronic,
82 digital, cellular, satellite, internet, or radio communications regardless of whether the part itself is
83 able to transmit. The term includes, but is not limited to, cellular phones, digital phones, satellite
84 phones, tablet computers, computers, smart devices, or other modem equipment devices.

85 (6) "Weapon" means an implement readily capable of lethal use and includes any firearm,
86 knife, dagger, razor, other cutting or stabbing implement, or club. The term includes any item
87 which has been modified or adapted so that it can be used as a firearm, knife, dagger, razor, other
88 cutting, or stabbing implement, or club. For purposes of this definition, the term "firearm" includes
89 an unloaded firearm or the unassembled components of a firearm.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.


.....
Clerk of the House of Delegates


.....
Clerk of the Senate

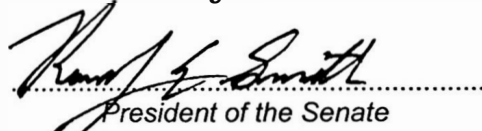
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SECRETARY OF STATE

FILED

Originated in the House of Delegates.

In effect 90 days from passage.


.....
Speaker of the House of Delegates


.....
President of the Senate

The within is approved this the 25th
Day of March, 2026.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 13 1993

Time 10:00 am