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2001 MAY -2 A 11: 15

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

SENATE BILL NO. 524

(By Senator Wootton, et al **)**

PASSED April 13, 2001

In Effect 90 days from **Passage**

FILED

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Senate Bill No. 524

(BY SENATORS WOOTON, BURNETTE, CALDWELL, FANNING,
HUNTER, KESSLER, MINARD, MITCHELL, OLIVERIO, REDD, ROSS,
ROWE, SNYDER, DEEM, FACEMYER AND MCKENZIE)

[Passed April 13, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article five, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to aiding escape and other offenses; and providing that persons who deliver certain items to adults and juveniles in custody or confinement are subject to penalties of both fine and incarceration.

Be it enacted by the Legislature of West Virginia:

That section eight, article five, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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
- 2 custody or confinement in any county or regional jail, state

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3 correctional facility, juvenile facility or juvenile detention
4 center, if any other person shall deliver anything into the
5 place of custody or confinement of the adult or juvenile
6 with the intent to aid or facilitate the adult's or juvenile's
7 escape or attempted escape therefrom, or if the other
8 person shall forcibly rescue or attempt to rescue an adult
9 or a juvenile therefrom, the other person is guilty of a
10 felony and, upon conviction thereof, shall be confined in a
11 state correctional facility not less than one nor more than
12 ten years.

13 (b) Where any adult or juvenile is lawfully detained in
14 custody or confinement in any county or regional jail, a
15 state correctional facility or a juvenile facility or juvenile
16 detention center, if any other person shall deliver any
17 money or other thing of value, any written or printed
18 matter, any article of merchandise, food or clothing, any
19 medicine, utensil or instrument of any kind to such adult
20 or juvenile without the express authority and permission
21 of the supervising officer and with knowledge that such
22 adult or juvenile is lawfully detained, such other person is
23 guilty of a misdemeanor and, upon conviction thereof,
24 shall be fined not less than fifty dollars nor more than five
25 hundred dollars and confined in the county or regional jail
26 not less than three nor more than twelve months: *Pro-*
27 *vided*, That the provisions of this section do not prohibit
28 an attorney or his or her employees from supplying any
29 written or printed material to an adult or juvenile which
30 pertains to that attorney's representation of the adult or
31 juvenile.

32 (c) If any person transports any alcoholic liquor, nonin-
33 toxicating beer, poison, explosive, firearm or other danger-
34 ous or deadly weapon or any controlled substance as
35 defined by chapter sixty-a of this code onto the grounds of
36 any county or regional jail, state correctional facility,
37 juvenile facility or juvenile detention center within this
38 state and is unauthorized by law to do so, or is unautho-
39 rized by the persons supervising the facility, such person

40 is guilty of a felony and, upon conviction thereof, shall be
41 fined not less than one thousand nor more than five
42 thousand dollars or confined in a state correctional facility
43 not less than two years nor more than ten years, or both,
44 or, in the discretion of the court, be confined in the county
45 or regional jail not more than one year and fined not more
46 than five hundred dollars.

47 (d) If any person delivers any alcoholic liquor, nonintox-
48 icating beer, poison, explosive, firearm or other dangerous
49 or deadly weapon, or any controlled substance as defined
50 by chapter sixty-a of this code to an adult or juvenile in
51 custody or confinement in any county or regional jail, state
52 correctional facility, juvenile facility or juvenile detention
53 center within this state and is unauthorized by law to do
54 so, or is unauthorized by the persons supervising the
55 facility, such person is guilty of a felony and, upon convic-
56 tion thereof, shall be fined not less than one thousand nor
57 more than five thousand dollars or confined in a state
58 correctional facility not less than one year nor more than
59 five years, or both.

60 (e) Whoever purchases, accepts as a gift, or secures by
61 barter, trade or in any other manner, any article or articles
62 manufactured at or belonging to any county or regional
63 jail, state correctional facility, juvenile facility or juvenile
64 detention center from any adult or juvenile detained
65 therein is guilty of a misdemeanor and, upon conviction
66 thereof, shall be fined not less than fifty dollars nor more
67 than five hundred dollars and confined in the county or
68 regional jail not less than three nor more than twelve
69 months: *Provided*, That the provisions of this subsection
70 do not apply to articles specially manufactured in any
71 facility under the authorization of the persons supervising
72 the facility and which are offered for sale within or outside
73 of the facility.

74 (f) Whoever persuades, induces or entices or attempts to
75 persuade, induce or entice any person who is in custody or
76 confined in any county or regional jail, state correctional

77 facility, juvenile facility or juvenile detention center to
78 escape therefrom or to engage or aid in any insubordina-
79 tion to the persons supervising the facility is guilty of a
80 misdemeanor and, upon conviction thereof, shall be fined
81 not less than fifty dollars nor more than five hundred
82 dollars and confined in the county or regional jail not less
83 than three nor more than twelve months.

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

Gregg H. Brown
.....
Chairman Senate Committee

G. J. ...
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Ronald ...
.....
Clerk of the Senate

Gregg W. ...
.....
Clerk of the House of Delegates

Earl Ray ...
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved this the 1st
Day of May, 2001.

Rob ...
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/30/01

Time 2:50pm