

1 **H. B. 2874**

2
3 (By Delegate Martin)

4 [Introduced January 26, 2011; referred to the
5 Committee on the Judiciary then Finance.]
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §25-1-23, relating to
12 creating a pilot program for incarceration and treating low
13 risk inmates who are disabled or impaired as a result of
14 medical, physical or mental disease or condition.

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

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §25-1-23, to read as
18 follows:

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

20 **§25-1-23. Pilot program for incarceration of low risk inmates.**

21 (a) The Legislature finds that a program that would allow low
22 risk inmates who are disabled or impaired as a result of a medical,
23 physical or mental diseases or condition to be incarcerated in a
24 centralized location using existing facilities could lessen the

1 cost of care for these inmates, while maintaining public safety.

2 (b) The Division of Corrections shall, in consultation with
3 the Department of Health and Human Resources, develop and implement
4 a pilot program for the incarceration and treatment of low risk
5 inmates who are disabled or impaired as a result of a medical,
6 physical or mental disease or condition, which shall begin no later
7 than July 1, 2011. The pilot program shall expire on June 30,
8 2016.

9 (c) The program shall be located at the Lakin Correctional
10 Center, where the state hospital and correctional facilities can be
11 used to house these low risk prisoners who require higher levels of
12 medical care and treatment for their conditions.

13 (d) The Division of Corrections and the Department of Health
14 and Human Resources shall promulgate joint rules to implement the
15 provisions of this section in accordance with chapter twenty-nine-a
16 of this code, which shall include, but not be limited to, the
17 criteria for the threshold of impairment of a prisoner for
18 admission into this program.

19 (e) No later than July 1, 2012, and annually thereafter during
20 the operation of the program, the Division of Corrections shall
21 submit a report to the Legislative Oversight Committee on Regional
22 Jail and Correctional Facility Authority, as established in section
23 twenty-six, article twenty, chapter thirty-one of this code.

24 (f) The Division of Corrections and the Department of Health

1 and Human Resources may also seek to utilize the facilities at
2 Pleasant Valley Hospital and the nursing program of the Mid Ohio
3 Valley Community College in administration of this program.

NOTE: The purpose of this bill is to provide for a pilot program for the housing and treatment of low risk inmates who are disabled or impaired as a result of a medical, physical or mental disease or condition to lessen the cost of care for the prisoners at little to no risk to the public.

§25-1-23 is new; therefore, it has been completely underscored.