

H. B. 3164

(By Delegate Martin)

[Introduced February 17, 2011; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §25-1-23, relating to
creating a pilot program for incarceration and treating low
risk inmates who are disabled or impaired as a result of
medical, physical or mental disease or condition.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.

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

(a) The Legislature finds that a program that would allow low-
risk inmates who are disabled or impaired as a result of a medical,
physical or mental disease or condition to be incarcerated in a
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 propose for legislative approval joint
15 rules to implement the provisions of this section in accordance
16 with article three, chapter twenty-nine-a of this code, which shall
17 include, but not be limited to, the criteria for the threshold of
18 impairment of a prisoner for 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.

This section is new; therefore, it has been completely underscored.