

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 566**

5 (SENATORS WILLS AND FOSTER, *original sponsors*)

6 \_\_\_\_\_  
7 [Passed March 10, 2012; in effect ninety days from passage.]  
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12 AN ACT to amend and reenact §25-1-3 of the Code of West Virginia,  
13 1931, as amended, relating to authorizing the Commissioner of  
14 Corrections to contract with nonprofit or charitable entities,  
15 including but not limited to nonprofit community mental health  
16 clinics, operating half-way houses or transitional housing  
17 facilities for the placement of persons in the commissioner's  
18 custody, whether confined or under parole supervision;  
19 requiring persons with the ability to pay to reimburse the  
20 state for the costs of the placement; and requiring the  
21 Division of Corrections to provide certain information about  
22 the placements to the Governor.

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

24 That §25-1-3 of the Code of West Virginia, 1931, as amended,

1 be amended and reenacted to read as follows:

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

3 **§25-1-3. Institutions managed by Commissioner of Corrections;**  
4 **certain institutions transferred to Department of**  
5 **Health and Human Resources; establishment of work and**  
6 **study release units; contracting with certain**  
7 **entities for reentry and direct placement services;**  
8 **reports to Governor.**

9       (a) The Commissioner of Corrections shall manage, direct,  
10 control and govern the following penal or correctional institutions  
11 and any others placed under his or her jurisdiction or control:

- 12       Mount Olive Correctional Complex;
- 13       Huttonsville Correctional Center;
- 14       Anthony Correctional Center;
- 15       Denmar Correctional Center;
- 16       Pruntytown Correctional Center;
- 17       Northern West Virginia Correctional Center;
- 18       St. Marys Correctional Center;
- 19       Lakin Correctional Center;
- 20       Ohio County Correctional Center;
- 21       Beckley Correctional Center; and
- 22       Martinsburg Correctional Center.

23       (b) The Commissioner of Corrections may contract with the  
24 county commission of McDowell County to house and incarcerate

1 inmates at the Stevens Correctional Center consistent with all  
2 requirements and standards governing the Division of Corrections.

3 (c) Jurisdiction of and title to the West Virginia Children's  
4 Home at Elkins are hereby transferred to the Department of Health  
5 and Human Resources, which is the custodian of all deeds and other  
6 muniments of title to the property and shall record those that are  
7 susceptible of recordation to be recorded in the proper offices.  
8 Notwithstanding any provision of this code to the contrary, the  
9 West Virginia Children's Home shall be managed and controlled by a  
10 superintendent appointed by the Commissioner of the Division of  
11 Human Services.

12 (d) The Commissioner of Corrections may establish work and  
13 study release units as extensions and subsidiaries of those state  
14 institutions under his or her control and authority. The work and  
15 study release units may be coeducational and shall be managed,  
16 directed and controlled as provided in this article.

17 (e) (1) The commissioner may contract with nonprofit or  
18 charitable entities, including but not limited to nonprofit  
19 community mental health clinics, operating half-way houses or  
20 transitional housing facilities for the placement of persons in the  
21 commissioner's custody, whether confined or under parole  
22 supervision, as long as such facilities meet standards and criteria  
23 established by the commissioner.

24 (2) (A) The Commissioner of Corrections may direct that a

1 person who is placed in a half-way house or transitional housing  
2 facility under this section make reimbursement to the state in the  
3 amount of a reasonable sum calculated to offset all or part of the  
4 costs of the placement.

5 (B) Prior to ordering the person to make the reimbursement,  
6 the commissioner, or his or her designee, shall consider the  
7 following:

8 (i) The person's ability to pay;

9 (ii) The nature and extent of the person's responsibilities to  
10 his or her dependents, if any;

11 (iii) The length of probable incarceration under the court's  
12 sentence; and

13 (iv) The effect, if any, that reimbursement might have on the  
14 person's rehabilitation.

15 (f) The Division of Corrections shall provide the number of  
16 persons placed in a half-way house or a transitional housing  
17 facility pursuant to subsection (e) of this section in its report  
18 made pursuant to section twenty, article one, chapter five of this  
19 code, and shall describe its plans to use the authority provided  
20 under the provisions of subsection (e) of this section in  
21 furtherance of the duties and responsibilities imposed by this  
22 article.

23 (g) Any person employed by the Office of Public Institutions  
24 who on the effective date of this article is a classified civil

1 service employee shall, within the limits contained in section two,  
2 article six, chapter twenty-nine of this code, remain in the civil  
3 service system as a covered employee.