

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 566**

4 (By Senators Wills and Foster)

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6 [Originating in the Committee on the Judiciary;
7 reported February 21, 2012.]
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12 A BILL 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 and charitable entities
15 for the operation of work-release and transitional housing for
16 inmates in the commissioner's custody; requiring that any
17 facilities which participate meet standards and criteria set
18 by the commissioner; allowing for direct placement of inmates
19 in work-release and transitional housing by order of the
20 circuit court; and providing for certain payment of costs to
21 offset the expenses of the Division of Corrections.

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

23 That §25-1-3 of the Code of West Virginia, 1931, as amended,
24 be amended and reenacted to read as follows:

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

2 **§25-1-3. Institutions managed by Commissioner of Corrections;**
3 **certain institutions transferred to Department of**
4 **Health and Human Resources; establishment of work and**
5 **study release units; contracting with certain**
6 **entities for reentry and direct placement services.**

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

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

21 (b) The Commissioner of Corrections ~~is authorized to~~ may
22 contract with the county commission of McDowell County to house and
23 incarcerate inmates at the Stevens Correctional Center consistent
24 with all requirements and standards governing the Division of

1 Corrections.

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

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

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

23 Circuit courts may, as an alternative to confinement in a jail
24 or correctional facility, order a convicted person to serve his or

1 her sentence in a facility authorized by the provisions of this
2 subsection as a condition of probation: *Provided*, That the
3 Division of Corrections is not responsible for the costs associated
4 with housing a person in a half-way house or transitional housing
5 facility in any case in which an individual has been ordered by a
6 circuit court to serve his or her sentence or any part thereof in
7 a half-way house or transitional housing facility.

8 Nothing in this section prohibits the Division of Corrections
9 from charging any inmate it places within half-way houses or
10 transitional housing a reasonable sum calculated to offset all or
11 part of the costs of placement in a half-way house or transitional
12 housing: *Provided*, That the division finds the inmate has the
13 ability to pay the amount charged.

14 (f) Any person employed by the Office of Public Institutions
15 who on the effective date of this article is a classified civil
16 service employee shall, within the limits contained in section two,
17 article six, chapter twenty-nine of this code, remain in the civil
18 service system as a covered employee.