

**WEST VIRGINIA LEGISLATURE  
EIGHTIETH LEGISLATURE  
REGULAR SESSION, 2012**



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 566**

(SENATORS WILLS AND FOSTER, ORIGINAL SPONSORS)

[PASSED MARCH 10, 2012; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 566

GEORGE WEST VIRGINIA  
SECRETARY OF STATE

2012 MAR 30 PM 5:24

FILED

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[Passed March 10, 2012; in effect ninety days from passage.]

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AN ACT to amend and reenact §25-1-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Corrections to contract with nonprofit or charitable entities, including but not limited to nonprofit community mental health clinics, operating half-way houses or transitional housing facilities for the placement of persons in the commissioner's custody, whether confined or under parole supervision; requiring persons with the ability to pay to reimburse the state for the costs of the placement; and requiring the Division of Corrections to provide certain information about the placements to the Governor.

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

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

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

**§25-1-3. Institutions managed by Commissioner of Corrections;  
certain institutions transferred to Department of**

**Health and Human Resources; establishment of work and study release units; contracting with certain entities for reentry and direct placement services; reports to Governor.**

1 (a) The Commissioner of Corrections shall manage,  
2 direct, control and govern the following penal or correctional  
3 institutions and any others placed under his or her jurisdic-  
4 tion or control:

5 Mount Olive Correctional Complex;

6 Huttonsville Correctional Center;

7 Anthony Correctional Center;

8 Denmark Correctional Center;

9 Pruntytown Correctional Center;

10 Northern West Virginia Correctional Center;

11 St. Marys Correctional Center;

12 Lakin Correctional Center;

13 Ohio County Correctional Center;

14 Beckley Correctional Center; and

15 Martinsburg Correctional Center.

16 (b) The Commissioner of Corrections may contract with  
17 the county commission of McDowell County to house and  
18 incarcerate inmates at the Stevens Correctional Center  
19 consistent with all requirements and standards governing the  
20 Division of Corrections.

21 (c) Jurisdiction of and title to the West Virginia Chil-  
22 dren's Home at Elkins are hereby transferred to the Depart-  
23 ment of Health and Human Resources, which is the custodian  
24 of all deeds and other muniments of title to the property and  
25 shall record those that are susceptible of recordation to be  
26 recorded in the proper offices. Notwithstanding any provi-

27 sion of this code to the contrary, the West Virginia Children's  
28 Home shall be managed and controlled by a superintendent  
29 appointed by the Commissioner of the Division of Human  
30 Services.

31 (d) The Commissioner of Corrections may establish work  
32 and study release units as extensions and subsidiaries of  
33 those state institutions under his or her control and author-  
34 ity. The work and study release units may be coeducational  
35 and shall be managed, directed and controlled as provided in  
36 this article.

37 (e)(1) The commissioner may contract with nonprofit or  
38 charitable entities, including but not limited to nonprofit  
39 community mental health clinics, operating half-way houses  
40 or transitional housing facilities for the placement of persons  
41 in the commissioner's custody, whether confined or under  
42 parole supervision, as long as such facilities meet standards  
43 and criteria established by the commissioner.

44 (2)(A) The Commissioner of Corrections may direct that  
45 a person who is placed in a half-way house or transitional  
46 housing facility under this section make reimbursement to  
47 the state in the amount of a reasonable sum calculated to  
48 offset all or part of the costs of the placement.

49 (B) Prior to ordering the person to make the reimburse-  
50 ment, the commissioner, or his or her designee, shall consider  
51 the following:

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

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

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

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

59 (f) The Division of Corrections shall provide the number  
60 of persons placed in a half-way house or a transitional

61 housing facility pursuant to subsection (e) of this section in  
62 its report made pursuant to section twenty, article one,  
63 chapter five of this code, and shall describe its plans to use  
64 the authority provided under the provisions of subsection (e)  
65 of this section in furtherance of the duties and responsibili-  
66 ties imposed by this article.

67 (g) Any person employed by the Office of Public Institu-  
68 tions who on the effective date of this article is a classified  
69 civil service employee shall, within the limits contained in  
70 section two, article six, chapter twenty-nine of this code,  
71 remain in the civil service system as a covered employee.

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

  
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Chairman Senate Committee

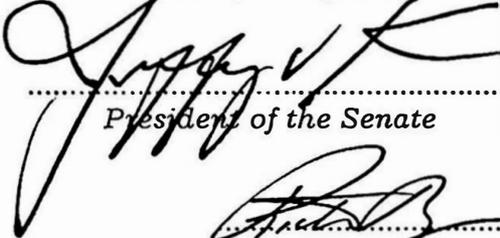
  
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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

FILED  
2012 MAR 30 PM 5:24  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within is approved ..... this the 30<sup>th</sup>  
Day of March ....., 2012.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 29 2012

Time 8:40 am