

COMMITTEE SUBSTITUTE

FOR

# **H. B. 3086**

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(BY MR. SPEAKER, (MR. THOMPSON)

AND DELEGATE ARMSTEAD)

**[BY REQUEST OF THE EXECUTIVE]**

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(Originating in the House Committee on the Judiciary)

[March 27, 2013]

A BILL to amend and reenact §25-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §28-3-19, all relating to institutions managed by the division of corrections; transferring control of the Industrial Home for Youth to the Division of Corrections; renaming the Industrial Home for Youth as the Salem Correctional Center; and authorizing the Parkersburg Correctional Center as a institution managed by the Division of Corrections.

*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; and that said code be amended by adding thereto a new section, designated §28-3-19, all to read as follows:

**CHAPTER 25. DIVISION OF CORRECTIONS.**

**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, direct,
- 2 control and govern the following penal or correctional institu-
- 3 tions and any others placed under his or her jurisdiction or
- 4 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 Salem Correctional Center; and  
17 Parkersburg Correctional Center.

18 (b) The Commissioner of Corrections may contract with the  
19 county commission of McDowell County to house and incarcer-  
20 ate inmates at the Stevens Correctional Center consistent with all  
21 requirements and standards governing the Division of Correc-  
22 tions.

23 (c) Jurisdiction of and title to the West Virginia Children's  
24 Home at Elkins are hereby transferred to the Department of  
25 Health and Human Resources, which is the custodian of all  
26 deeds and other muniments of title to the property and shall  
27 record those that are susceptible of recordation to be recorded in  
28 the proper offices. Notwithstanding any provision of this code to  
29 the contrary, the West Virginia Children's Home shall be  
30 managed and controlled by a superintendent appointed by the  
31 Commissioner of the Division of Human Services.

32 (d) The Commissioner of Corrections may establish work  
33 and study release units as extensions and subsidiaries of those  
34 state institutions under his or her control and authority. The work  
35 and study release units may be coeducational and shall be  
36 managed, directed and controlled as provided in 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 or  
40 transitional housing facilities for the placement of persons in the  
41 commissioner's custody, whether confined or under parole  
42 supervision, as long as such facilities meet standards and criteria  
43 established by the commissioner.

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

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

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

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

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

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

59 (f) The Division of Corrections shall provide the number of  
60 persons placed in a half-way house or a transitional housing  
61 facility pursuant to subsection (e) of this section in its report  
62 made pursuant to section twenty, article one, chapter five of this  
63 code, and shall describe its plans to use the authority provided  
64 under the provisions of subsection (e) of this section in further-  
65 ance of the duties and responsibilities imposed by this article.

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

**CHAPTER 28. STATE CORRECTIONAL  
AND PENAL INSTITUTIONS.**

**ARTICLE 3. INDUSTRIAL HOME FOR YOUTH.**

**§28-3-19. Renaming West Virginia Industrial Home for Youth as  
Salem Correctional Center; transferring control to  
Division of Corrections.**

1        Notwithstanding any other provisions of this code, effective  
2        July 1, 2013, the West Virginia Industrial Home for Youth shall  
3        be known as the “Salem Correctional Center”. Control of the  
4        Salem Correctional Center shall be transferred to the Division of  
5        Corrections in accordance with the provisions of section three,  
6        article one, chapter twenty-five of this code. To the extent the  
7        provisions of this article, and other sections of this code, refer to  
8        the West Virginia Industrial Home for Youth, they are not  
9        applicable on or after the effective date in this section.



