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**ENROLLED**

**H. B. 4437**

(By Delegates Perry, Morgan, Eldridge,  
Campbell and M. Poling)

(By request of the Division of Corrections)

[Passed March 4, 2014; in effect ninety days from passage.]

AN ACT to amend of the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §49-5E-6a and §49-5E-6b, all relating to the Division of Juvenile Services; authorizing the Director of Juvenile Services to establish juvenile trustee accounts and funds for earnings and personal property of juveniles; creating a juvenile benefit fund; creating special revenue accounts in the office of the Treasurer for juvenile benefit funds; and including residents of the Division of Juvenile Services as a division designated to receive and disburse such funds.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §49-5E-6a and §49-5E-6b, all to read as follows:

**ARTICLE 5E. DIVISION OF JUVENILE SERVICES.**

1 **§49-5E-6a. Juvenile trustee accounts and funds, earnings and**  
2 **personal property of juveniles.**

3 (a) The Director of Juvenile Services may establish at each  
4 facility under his or her jurisdiction a "Juvenile Trustee Fund".  
5 The administrator or designee of each facility may receive and take  
6 charge of the money and personal property, as defined by policy, of  
7 all juveniles in his or her facility and all money or personal  
8 property, as defined by policy, sent to the juveniles or earned by  
9 the juveniles as compensation for work performed while they are  
10 domiciled there. The administrator or designee shall credit the  
11 money and earnings to the juveniles entitled to it and shall keep  
12 an accurate account of all the money and personal property so  
13 received, which account is subject to examination by the Director  
14 of Juvenile Services and the Assistant Director of Budget and  
15 Finance of the Division of Juvenile Services. The administrator or  
16 designee shall deposit the moneys in one or more responsible banks  
17 in accounts to be designated a "Juvenile Trustee Fund".

18 (b) The administrator or designee shall keep in an account for  
19 all juveniles at least ten percent of all money earned during the  
20 juveniles commitment and pay the money to the juvenile at the time  
21 of the juvenile's release. The administrator or designee may  
22 authorize the juvenile to withdraw money from his or her mandatory  
23 savings for the purpose of preparing the juvenile for reentry into  
24 society.

1 (c) The administrator or designee shall deliver to the  
2 juvenile at the time he or she leaves the facility, or as soon as  
3 practicable after departure, all personal property, moneys and  
4 earnings then credited to the juvenile, or in case of the death of  
5 the juvenile before authorized release from the facility, the  
6 administrator or designee shall deliver the property to the  
7 juvenile's personal representative. If a conservator is appointed  
8 for the juvenile while he or she is domiciled at the facility, the  
9 administrator or designee shall deliver to the conservator, upon  
10 proper demand, all moneys and personal property belonging to the  
11 juvenile that are in the custody of the administrator.

12 (d) If any money is credited to a former juvenile resident  
13 after remittance of the sum of money as provided in subsection (c),  
14 the administrator or designee shall mail the funds to the former  
15 juvenile resident's last known address. If the funds are returned  
16 to the facility, the administrator or designee will forward those  
17 funds to the Division of Juvenile Service's Assistant Director of  
18 Budget and Finance to submit the funds to the State Treasurer's  
19 Office-Unclaimed Property Division.

20 (e) The facility shall compile a monthly report that  
21 specifically documents juvenile trustee fund receipts and  
22 expenditures and submit the reconciled monthly bank statements to  
23 the Division of Juvenile Service's Assistant Director of Budget and  
24 Finance.

1 **§49-5E-6b. Juvenile benefit funds.**

2 (a) There is hereby established a special revenue account in  
3 the State Treasury for each juvenile benefit fund established by  
4 the director. Moneys received by an institution for deposit in an  
5 juvenile benefit fund shall be deposited with the State Treasurer  
6 to be credited to the special revenue account created for the  
7 institution's juvenile benefit fund. Moneys in a special revenue  
8 account established for a juvenile benefit fund may be expended by  
9 the institution for the purposes set forth in this section.

10 (b) Moneys in an account established for a juvenile benefit  
11 fund may be expended by the facility for the purposes set forth in  
12 this section. Moneys to be deposited into a juvenile benefit fund  
13 consist of:

14 (1) All profit from the exchange or commissary operation and,  
15 if the commissary is operated by a vendor, whether a public or  
16 private entity, the profit is the negotiated commission paid to the  
17 Division of Juvenile Services by the vendor;

18 (2) All net proceeds from vending machines used for juvenile  
19 resident visitation;

20 (3) All proceeds from contracted juvenile resident telephone  
21 commissions;

22 (4) Any funds that may be assigned by juveniles or donated to  
23 the facility by the general public or a service organization on  
24 behalf of all the juveniles; and

1 (5) Any funds confiscated considered contraband.

2 (c) The juvenile benefit fund may only be used for the  
3 following purposes at juvenile facilities:

4 (1) Open-house visitation functions or other nonroutine  
5 campus-wide activities which will enhance programming goals of the  
6 facility;

7 (2) Holiday functions which may include decorations, food and  
8 gifts for residents or family of residents;

9 (3) Rental of videos;

10 (4) Payment of video license;

11 (5) Supplemental supplies and equipment which will enrich the  
12 facilities' program activities;

13 (6) Hardship needs for juvenile residents if approved by the  
14 Division of Juvenile Services Director; and

15 (7) Any special activities or rewards for residents.

16 (d) The facility shall compile a monthly report that  
17 specifically documents juvenile benefit fund receipts and  
18 expenditures and submit the reconciled monthly bank statements to  
19 the Division of Juvenile Services Assistant Director of Budget and  
20 Finance.