

**ENROLLED**

**Senate Bill No. 445**

(By Senators M. Hall, Stollings, Boley,  
Boso, Snyder, Facemire and Plymale)

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[Passed March 10, 2015; in effect ninety days from passage.]

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AN ACT to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to the use and investment of Regional Jail and Correctional Facility Authority funds.

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

That §31-20-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY  
AUTHORITY.**

**§31-20-10. Regional Jail and Correctional Facility Authority funds.**

1 (a) The Regional Jail and Correctional Facility Authority may create special funds in the State  
2 Treasury to identify various revenue sources and payment of specific obligations. These funds may  
3 be used for purposes that include, but are not limited to, the construction, renovation or repair of  
4 specific facilities, cash control, facility maintenance and the individual operations accounts of  
5 facilities operated by the authority. The authority may create other separate accounts within these  
6 funds that it determines are necessary for the efficient operation of the authority.

7 (b) Revenues deposited into these funds shall be used to make payments of interest and shall  
8 be pledged as security for bonds, security interests or notes issued or lease-purchase obligations

1 entered into with another state entity by the authority pursuant to this article.

2 (c) Whenever the authority determines that the balance in these funds is in excess of the  
3 immediate requirements of this article, it may request that the excess be invested in the West  
4 Virginia Board of Treasury Investments or the West Virginia Investment Management Board until  
5 needed. Earnings on any investments pursuant to this section shall be credited to these funds.

6 (d) If the authority determines that moneys held in these funds are in excess of the amount  
7 needed to carry out the purposes of this article, it shall take any action that is necessary to release the  
8 excess and transfer it to the General Revenue Fund of the State Treasury.

9 (e) These funds consist of the following:

10 (1) Amounts raised by the authority by the sale of bonds or other borrowing authorized by  
11 this article;

12 (2) Moneys collected and deposited in the State Treasury which are specifically designated  
13 by Acts of the Legislature for inclusion in these funds;

14 (3) Contributions, grants and gifts from any source, both public and private, which may be  
15 used by the authority for any project or projects;

16 (4) All sums paid by the counties pursuant to subsection (h) of this section; and

17 (5) All interest earned on investments made by the state from moneys deposited in these  
18 funds.

19 (f) The amounts deposited in these funds shall be accounted for and expended in the  
20 following manner:

21 (1) Amounts raised by the sale of bonds or other borrowing authorized by this article shall  
22 be deposited in a separate account within these funds and expended for the purpose of construction,  
23 renovation and repair of correctional facilities, regional jails and juvenile detention and correctional

1 facilities for which need has been determined by the authority;

2 (2) Amounts deposited from all other sources shall be pledged first to the debt service on any  
3 bonded indebtedness, including lease-purchase obligations entered into by the authority with another  
4 state entity or other obligation incurred by borrowing of the authority;

5 (3) After any requirements of debt service have been satisfied, the authority shall requisition  
6 from these funds the amounts that are necessary to provide for payment of the administrative  
7 expenses of this article;

8 (4) The authority shall requisition from these funds, after any requirements of debt service  
9 have been satisfied, the amounts that are necessary for the maintenance and operation of regional  
10 jails that are constructed pursuant to the provisions of this article and shall expend those amounts  
11 for that purpose. These funds shall make an accounting of all amounts received from each county  
12 by virtue of any filing fees, court costs or fines required by law to be deposited in these funds and  
13 amounts from the jail improvement funds of the various counties. After the expenses of  
14 administration have been deducted, the amounts expended in the respective regions from those  
15 sources shall be in proportion to the percentage the amount contributed to these funds by the counties  
16 in each region bears to the total amount received by these funds from those sources;

17 (5) Notwithstanding any other provisions of this article, sums paid into these funds by each  
18 county pursuant to subsection (h) of this section for each inmate shall be placed in a separate account  
19 and shall be requisitioned from these funds to pay for costs incurred at the regional jail facility at  
20 which each inmate was incarcerated; and

21 (6) Any amounts deposited in these funds from other sources permitted by this article shall  
22 be expended in the respective regions based on particular needs to be determined by the authority.

23 (g) (1) After a regional jail facility becomes available pursuant to this article for the

1 incarceration of inmates, each county within the region shall incarcerate all persons whom the county  
2 would have incarcerated in any jail prior to the availability of the regional jail facility in the regional  
3 jail facility except those whose incarceration in a local jail facility used as a local holding facility is  
4 specified as appropriate under the standards and procedures developed pursuant to section nine of  
5 this article and who the sheriff or the circuit court elects to incarcerate therein.

6 (2) Notwithstanding the provisions of subdivision (1) of this subsection, circuit and  
7 magistrate courts are authorized to:

8 (A) Detain persons who have been arrested or charged with a crime, in a county or municipal  
9 jail, specified as appropriate under the standards and procedures developed pursuant to section nine  
10 of this article, for a period not to exceed ninety-six hours; or

11 (B) Commit persons convicted of a crime in a county or municipal jail, specified as  
12 appropriate under the standards and procedures developed pursuant to section nine of this article, for  
13 a period not to exceed fourteen days.

14 (h) When inmates are placed in a regional jail facility pursuant to subsection (g) of this  
15 section, the county shall pay into the Regional Jail and Correctional Facility Authority Fund a cost  
16 per day for each incarcerated inmate to be determined by the Regional Jail and Correctional Facility  
17 Authority according to criteria and by procedures established by legislative rules proposed for  
18 promulgation pursuant to article three, chapter twenty-nine-a of this code and as established in  
19 section ten-a of this article to cover the costs of operating the regional jail facilities of this state to  
20 maintain each inmate. The per diem costs for incarcerating inmates may not include the cost of  
21 construction, acquisition or renovation of the regional jail facilities: *Provided*, That each regional  
22 jail facility operating in this state shall keep a record of the date and time that an inmate is  
23 incarcerated and a county may not be charged for a second day of incarceration for an individual

- 1 inmate until that inmate has remained incarcerated for more than twenty-four hours. After that, in
- 2 cases of continuous incarceration, subsequent per diem charges shall be made upon a county only
- 3 as subsequent intervals of twenty-four hours pass from the original time of incarceration.