

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

House Bill 4621

BY DELEGATES C. MILLER, ANDERSON, FRICH, HAMILTON,

STORCH, WALTERS, WESTFALL, BOGGS, LONGSTRETH,

SPONAUGLE AND MAYNARD

[Passed March 3, 2018; in effect ninety days from passage.]

1 AN ACT to amend and reenact §17-15-4 of the Code of West Virginia, 1931, as amended, relating
2 to removing reference to certain entities with respect to work performed by prisoners; and
3 relating to incarceration sentence reduction for the performance of certain approved work.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. COUNTY CONVICT ROAD FORCE.

§17-15-4. Work by prisoners; relief of sheriffs and others from liability for injuries, etc.

1 (a) Any person convicted of a criminal offense and sentenced to confinement in a county
2 or regional jail may, as incident to such sentence of confinement, be required to perform labor
3 within the jail, as a trustee or otherwise, or in and upon the buildings, grounds, institutions, roads,
4 bridges, streams or other public works of the county or the area within which the regional jail is
5 located if he or she meets the following criteria:

6 (1) Such person is at least eighteen years of age;

7 (2) Such person is physically and mentally sound and has not been exempted for medical
8 reasons from such work by a licensed physician or other medical professional; and

9 (3) Such person is considered by the sheriff or the executive director of the West Virginia
10 Regional Jail Authority or designee not to pose a threat to the community if released for work
11 purposes.

12 (b) The work described in subsection (a) of this section shall be performed under the
13 supervision, care and custody of the executive director of the West Virginia Regional Jail Authority
14 or designee, the sheriff, his or her deputies, correctional officers or other persons charged with
15 inmate supervision to perform maintenance or control litter in this state.

16 (c) In order to effectuate the provisions of this section, the sheriff or the executive director
17 of the West Virginia Regional Jail and Correctional Facility Authority or designee shall promulgate
18 rules for the safe and useful employment of inmate labor.

19 (d) Notwithstanding any provision of this code to the contrary, the executive director of the
20 West Virginia Regional Jail Authority or its designee, members and agents, the sheriff, his or her

21 deputies, correctional officers and agents shall be immune from liability of any kind for accidents,
22 injuries or death to such inmate except for accident, injury or death resulting directly from gross
23 negligence or malfeasance.

24 (e) The sheriff of the county in which the work is to be performed, with the approval of the
25 executive director of the West Virginia Regional Jail Authority or designee, may hire or appoint
26 any personnel necessary for the supervision of inmate labor.

27 (f) Nothing in this section shall be construed to allow the use of inmate labor for private
28 projects or as contract employees of for-profit businesses.

29 (g) Any inmate who performs work pursuant to the provisions of this section shall receive,
30 as sole and full compensation therefor, a reduction in his or her term of incarceration by one day
31 for every eight hours of approved work: *Provided*, That any reduction of sentence earned pursuant
32 to the provisions of this section shall be in addition to any other reduction of sentence the inmate
33 may accumulate.

34 (h) Any person being held as a detainee or for contempt may voluntarily participate in such
35 labor as provided for in this section under the terms and conditions hereinbefore set forth.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

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day of, 2018.

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Governor