

**WEST VIRGINIA LEGISLATURE**  
**2023 FIRST EXTRAORDINARY SESSION**

**Introduced**

**House Bill 111**

By Delegates Kelly and Skaff

(By Request of the Executive)

[Introduced August 6, 2023; referred  
to the Committee on the Judiciary]



1 A BILL to amend and reenact §15A-3-4 of the Code of West Virginia, 1931, as amended, relating  
2 to the powers and duties of the Commissioner of the Division of Corrections and  
3 Rehabilitation; authorizing commissioner to require certain agreements with employees for  
4 reimbursement of training costs under certain conditions; clarifying that transportation of  
5 inmates for court appearances is subject to rules of the Supreme Court of Appeals; and  
6 authorizing the commissioner to cooperate with the Supreme Court of Appeals in  
7 developing a comprehensive transportation plan.

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

**ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.**

**§15A-3-4. Powers and duties of commissioner generally.**

- 1 (a) The commissioner, in order to carry out the purposes and intent of this chapter, shall:
- 2 (1) Exercise general supervision over the administration of the institutions under the  
3 jurisdiction of the division;
- 4 (2) Establish separate subdivisions, including a Bureau of Prisons and Jails, a Bureau of  
5 Juvenile Services, and a Bureau of Community Corrections, each to be headed by assistant  
6 commissioners, and other subdivisions as he or she deems advisable, which may be headed by  
7 one of the assistant commissioners, or by deputy directors. Nothing herein shall prohibit the  
8 commissioner from appointing the same person to head more than one subdivision;
- 9 (3) Establish rules, policies, and regulations in writing governing all subdivisions and  
10 institutions within the division;
- 11 (4) Establish an appropriate training program for personnel of the division: Provided, That  
12 the commissioner may require an individual to agree in writing to reimburse all or a portion of the  
13 training costs incurred if he or she completes the training program but does not remain a division  
14 employee for 12 consecutive months after completion of the training program;
- 15 (5) Classify the institutions of the division, varying according to the factors as security  
16 features, program, age, and sex of inmates, physical stature or size, character of inmates;

17 (6) Establish a system of classification of inmates and residents, through a reception and  
18 examination procedure;

19 (7) Cooperate with the Department of Education in providing for the education of inmates  
20 and residents in all institutions within the division, as provided in §18-2-13f of this code and any  
21 other provision of this code;

22 (8) Supervise the treatment, custody, and discipline of all inmates and residents and the  
23 maintenance of the institutions and their industries;

24 (9) Establish a system of compensation for inmates and residents of the institutions of the  
25 state who perform good and satisfactory work either within the industrial program or in the  
26 servicing and maintenance of the institutions or any other institutions or camps within the state.  
27 The commissioner, or his or her designee, may establish a graduated scale of compensation to be  
28 paid to inmates and residents in accordance with their skill in industry; ~~and~~

29 (10) Subject to the provisions in §25-1A-5 of this code and except as provided by rules  
30 promulgated by the Supreme Court of Appeals, provide for the transportation of inmates between  
31 the jails and local holding facilities for court appearances; and

32 (11) Cooperate with the Supreme Court of Appeals in developing a statewide  
33 comprehensive plan for the safe, effective, and efficient transportation of inmates for court  
34 appearances or between facilities as required.

35 (b) The commissioner, in order to carry out the purposes and intent of this chapter, may:

36 (1) Appoint a deputy commissioner to assist in the day to day operations of the division;

37 (2) Employ professional and support staff, including, but not limited to, certified public  
38 accountants, attorneys, assistants, and other employees as necessary for the efficient operation  
39 of the division;

40 (3) Acquire, own, hold, and dispose of property, real and personal, tangible and intangible;

41 (4) Lease property, whether as a lessee or lessor;

42 (5) Conduct examinations and investigations and hear testimony and take proof, under  
43 oath or affirmation;

44 (6) Issue subpoenas requiring the attendance of witnesses and the production of books  
45 and papers relevant to any hearing before the commissioner, or his or her designee, to conduct  
46 any hearing;

47 (7) Apply to the circuit court having venue of the offense to have punished for contempt any  
48 witness who refuses to obey a subpoena, refuses to be sworn or affirmed, or refuses to testify, or  
49 who commits any contempt after being summoned to appear;

50 (8) Sue and be sued, implead and be impleaded, and complain and defend in any court;

51 (9) Propose rules for legislative approval for the management and regulation of the affairs  
52 of the division pursuant to the provisions of §29A-3-1 *et seq.* of this code;

53 (10) Make policies for the management and regulation of the affairs of the divisions;

54 (11) Make contracts of every kind and nature and to execute all instruments necessary or  
55 convenient for carrying on its business, including contracts with any other governmental agency of  
56 this state or of the federal government or with any person, individual, partnership, or corporation to  
57 affect any or all of the purposes of this chapter;

58 (12) Accept gifts or grants of property, funds, security interests, money, materials, labor,  
59 supplies, or services from the United States of America or from any governmental unit or any  
60 person, firm, or corporation, acceptance or disposition of gifts or grants; and

61 (13) Designate a facility as a rehabilitation facility; a rehabilitation facility may utilize  
62 recommendations on programming from West Virginia higher education institutions and share  
63 statistical data with the same institutions for study on the effectiveness of services provided by the  
64 institution.

NOTE: The purpose of this bill is to authorize agreements for reimbursement for certain training costs and to authorize the division to cooperate with the Supreme Court of Appeals on developing a comprehensive transportation plan.

Introduced HB 111

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.