

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5184**

By Delegates Crouse, Petitto, Lucas, Adkins, Maynor,  
and Dean

[Introduced January 25, 2024; Referred to the  
Committee on Jails and Prisons then the Judiciary]

1 A BILL to amend and reenact §15A-5-6 of the Code of West Virginia, 1931, as amended, relating  
2 to requiring inmates to be housed based on their biological sex.

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

**ARTICLE 5. BUREAU OF PRISONS AND JAILS.**

**§15A-5-6. Jail intake facilities; housing of adult inmates.**

1 To the extent practicable, and in a manner consistent with providing for the safety of the  
2 public, correctional employees, and inmates, the commissioner will create space in every adult  
3 institution for both jail and prison populations: *Provided*, That in no case shall the commissioner be  
4 required to provide jail space in every institution in excess of space necessary for initial receiving,  
5 booking, and holding of an inmate to await transport by the Division of Corrections and  
6 Rehabilitation to the most appropriate housing placement for that inmate. In no case may a person  
7 who is a pretrial detainee, who is not currently serving a felony sentence in the custody of the  
8 commissioner, be held in a space designated as a prison unit. Further, no convicted  
9 misdemeanor actively serving a sentence on a misdemeanor shall be held in a space designated  
10 as a prison unit. Inmates shall be housed based on their biological sex.

NOTE: The purpose of this bill is to require inmates to be housed based on their biological sex.

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