

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 3086**

4 (By Mr. Speaker, (Mr. Thompson) and Delegate Armstead)
5 [By Request of the Executive]
6

7 (Originating in the House Committee on the Judiciary)

8 [March 27, 2013]
9

10 A BILL to amend and reenact §25-1-3 of the Code of West Virginia,
11 1931, as amended; and to amend said code by adding thereto a
12 new section, designated §28-3-19, all relating to institutions
13 managed by the division of corrections; transferring control
14 of the Industrial Home for Youth to the Division of
15 Corrections; renaming the Industrial Home for Youth as the
16 Salem Correctional Center; and authorizing the Parkersburg
17 Correctional Center as a institution managed by the Division
18 of Corrections.

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

20 That §25-1-3 of the Code of West Virginia, 1931, as amended,
21 be amended and reenacted; and that said code be amended by adding
22 thereto a new section, designated §28-3-19, all to read as follows:

23 **CHAPTER 25. DIVISION OF CORRECTIONS.**

24 **ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.**

25 **§25-1-3. Institutions managed by Commissioner of Corrections;**
26 **certain institutions transferred to Department of**

1 **Health and Human Resources; establishment of work**
2 **and study release units; contracting with certain**
3 **entities for reentry and direct placement services;**
4 **reports to Governor.**

5 (a) The Commissioner of Corrections shall manage, direct,
6 control and govern the following penal or correctional institutions
7 and any others placed under his or her jurisdiction or control:

8 Mount Olive Correctional Complex;

9 Huttonsville Correctional Center;

10 Anthony Correctional Center;

11 Denmar Correctional Center;

12 Pruntytown Correctional Center;

13 Northern West Virginia Correctional Center;

14 St. Marys Correctional Center;

15 Lakin Correctional Center;

16 Ohio County Correctional Center;

17 Beckley Correctional Center; ~~and~~

18 Martinsburg Correctional Center;

19 Salem Correctional Center; and

20 Parkersburg Correctional Center.

21 (b) The Commissioner of Corrections may contract with the
22 county commission of McDowell County to house and incarcerate
23 inmates at the Stevens Correctional Center consistent with all
24 requirements and standards governing the Division of Corrections.

25 (c) Jurisdiction of and title to the West Virginia Children's

1 Home at Elkins are hereby transferred to the Department of Health
2 and Human Resources, which is the custodian of all deeds and other
3 muniments of title to the property and shall record those that are
4 susceptible of recordation to be recorded in the proper offices.
5 Notwithstanding any provision of this code to the contrary, the
6 West Virginia Children's Home shall be managed and controlled by a
7 superintendent appointed by the Commissioner of the Division of
8 Human Services.

9 (d) The Commissioner of Corrections may establish work and
10 study release units as extensions and subsidiaries of those state
11 institutions under his or her control and authority. The work and
12 study release units may be coeducational and shall be managed,
13 directed and controlled as provided in this article.

14 (e) (1) The commissioner may contract with nonprofit or
15 charitable entities including, but not limited to, nonprofit
16 community mental health clinics, operating half-way houses or
17 transitional housing facilities for the placement of persons in the
18 commissioner's custody, whether confined or under parole
19 supervision, as long as such facilities meet standards and criteria
20 established by the commissioner.

21 (2) (A) The Commissioner of Corrections may direct that a
22 person who is placed in a half-way house or transitional housing
23 facility under this section make reimbursement to the state in the
24 amount of a reasonable sum calculated to offset all or part of the
25 costs of the placement.

26 (B) Prior to ordering the person to make the reimbursement,

1 the commissioner, or his or her designee, shall consider the
2 following:

3 (i) The person's ability to pay;

4 (ii) The nature and extent of the person's responsibilities to
5 his or her dependents, if any;

1 (iii) The length of probable incarceration under the court's
2 sentence; and

3 (iv) The effect, if any, that reimbursement might have on the
4 person's rehabilitation.

5 (f) The Division of Corrections shall provide the number of
6 persons placed in a half-way house or a transitional housing
7 facility pursuant to subsection (e) of this section in its report
8 made pursuant to section twenty, article one, chapter five of this
9 code, and shall describe its plans to use the authority provided
10 under the provisions of subsection (e) of this section in
11 furtherance of the duties and responsibilities imposed by this
12 article.

13 (g) Any person employed by the Office of Public Institutions
14 who on the effective date of this article is a classified civil
15 service employee shall, within the limits contained in section two,
16 article six, chapter twenty-nine of this code, remain in the civil
17 service system as a covered employee.

18 **CHAPTER 28. STATE CORRECTIONAL AND PENAL INSTITUTIONS.**

19 **ARTICLE 3. INDUSTRIAL HOME FOR YOUTH.**

20 **§28-3-19. Renaming West Virginia Industrial Home for Youth as**

1 **Salem Correctional Center; transferring control to**
2 **Division of Corrections.**

3 Notwithstanding any other provisions of this code, effective
4 July 1, 2013, the West Virginia Industrial Home for Youth shall be
5 known as the "Salem Correctional Center." Control of the Salem
6 Correctional Center shall be transferred to the Division of
7 Corrections in accordance with the provisions of section three,
8 article one, chapter twenty-five of this code. To the extent the
9 provisions of this article, and other sections of this code, refer
10 to the West Virginia Industrial Home for Youth, they are not
applicable on or after the effective date in this section.