

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014



ENROLLED

House Bill No. 4437

(By Delegates Perry, Morgan, Eldridge,
Campbell and Poling, M.)
(By Request of the Juvenile Services)



Passed March 4, 2014

In effect ninety days from passage.

HB 4437

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E N R O L L E D

H. B. 4437

(BY DELEGATES PERRY, MORGAN, ELDRIDGE,
CAMPBELL AND POLING, M.)

[By Request of the Juvenile Services]

[Passed March 4, 2014; in effect ninety days from passage.]

AN ACT to amend of the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §49-5E-6a and §49-5E-6b, all relating to the Division of Juvenile Services; authorizing the Director of Juvenile Services to establish juvenile trustee accounts and funds for earnings and personal property of juveniles; creating a juvenile benefit fund; creating special revenue accounts in the office of the Treasurer for juvenile benefit funds; and including residents of the Division of Juvenile Services as a division designated to receive and disburse such funds.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §49-5E-6a and §49-5E-6b, all to read as follows:

ED-117

81090 ARTICLE 5E. DIVISION OF JUVENILE SERVICES.

§49-5E-6a. Juvenile trustee accounts and funds, earnings and personal property of juveniles.

1 (a) The Director of Juvenile Services may establish at each
2 facility under his or her jurisdiction a "Juvenile Trustee Fund".
3 The administrator or designee of each facility may receive and
4 take charge of the money and personal property, as defined by
5 policy, of all juveniles in his or her facility and all money or
6 personal property, as defined by policy, sent to the juveniles or
7 earned by the juveniles as compensation for work performed
8 while they are domiciled there. The administrator or designee
9 shall credit the money and earnings to the juveniles entitled to it
10 and shall keep an accurate account of all the money and personal
11 property so received, which account is subject to examination by
12 the Director of Juvenile Services and the Assistant Director of
13 Budget and Finance of the Division of Juvenile Services. The
14 administrator or designee shall deposit the moneys in one or
15 more responsible banks in accounts to be designated a "Juvenile
16 Trustee Fund".

17 (b) The administrator or designee shall keep in an account
18 for all juveniles at least ten percent of all money earned during
19 the juveniles commitment and pay the money to the juvenile at
20 the time of the juvenile's release. The administrator or designee
21 may authorize the juvenile to withdraw money from his or her
22 mandatory savings for the purpose of preparing the juvenile for
23 reentry into society.

24 (c) The administrator or designee shall deliver to the juvenile
25 at the time he or she leaves the facility, or as soon as practicable
26 after departure, all personal property, moneys and earnings then
27 credited to the juvenile, or in case of the death of the juvenile
28 before authorized release from the facility, the administrator or
29 designee shall deliver the property to the juvenile's personal
30 representative. If a conservator is appointed for the juvenile
31 while he or she is domiciled at the facility, the administrator or

32 designee shall deliver to the conservator, upon proper demand,
33 all moneys and personal property belonging to the juvenile that
34 are in the custody of the administrator.

35 (d) If any money is credited to a former juvenile resident
36 after remittance of the sum of money as provided in subsection
37 (c), the administrator or designee shall mail the funds to the
38 former juvenile resident's last known address. If the funds are
39 returned to the facility, the administrator or designee will
40 forward those funds to the Division of Juvenile Service's
41 Assistant Director of Budget and Finance to submit the funds to
42 the State Treasurer's Office-Unclaimed Property Division.

43 (e) The facility shall compile a monthly report that
44 specifically documents juvenile trustee fund receipts and
45 expenditures and submit the reconciled monthly bank statements
46 to the Division of Juvenile Service's Assistant Director of
47 Budget and Finance.

§49-5E-6b. Juvenile benefit funds.

1 (a) There is hereby established a special revenue account in
2 the State Treasury for each juvenile benefit fund established by
3 the director. Moneys received by an institution for deposit in an
4 juvenile benefit fund shall be deposited with the State Treasurer
5 to be credited to the special revenue account created for the
6 institution's juvenile benefit fund. Moneys in a special revenue
7 account established for a juvenile benefit fund may be expended
8 by the institution for the purposes set forth in this section.

9 (b) Moneys in an account established for a juvenile benefit
10 fund may be expended by the facility for the purposes set forth
11 in this section. Moneys to be deposited into a juvenile benefit
12 fund consist of:

13 (1) All profit from the exchange or commissary operation
14 and, if the commissary is operated by a vendor, whether a public
15 or private entity, the profit is the negotiated commission paid to
16 the Division of Juvenile Services by the vendor;

17 (2) All net proceeds from vending machines used for
18 juvenile resident visitation;

19 (3) All proceeds from contracted juvenile resident telephone
20 commissions;

21 (4) Any funds that may be assigned by juveniles or donated
22 to the facility by the general public or a service organization on
23 behalf of all the juveniles; and

24 (5) Any funds confiscated considered contraband.

25 (c) The juvenile benefit fund may only be used for the
26 following purposes at juvenile facilities:

27 (1) Open-house visitation functions or other nonroutine
28 campus-wide activities which will enhance programming goals
29 of the facility;

30 (2) Holiday functions which may include decorations, food
31 and gifts for residents or family of residents;

32 (3) Rental of videos;

33 (4) Payment of video license;

34 (5) Supplemental supplies and equipment which will enrich
35 the facilities' program activities;

36 (6) Hardship needs for juvenile residents if approved by the
37 Division of Juvenile Services Director; and

38 (7) Any special activities or rewards for residents.

39 (d) The facility shall compile a monthly report that
40 specifically documents juvenile benefit fund receipts and
41 expenditures and submit the reconciled monthly bank statements
42 to the Division of Juvenile Services Assistant Director of Budget
43 and Finance.

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

Danny Wells
Chairman, House Committee

[Signature]
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Bryan W. Bay
Clerk of the House of Delegates

Joseph M. Minard
Clerk of the Senate

[Signature]
Speaker of the House of Delegates

[Signature]
President of the Senate

The within *is approved* this the *28th*
day of *March*, 2014.

Carl Roy Tomblin
Governor

PRESENTED TO THE GOVERNOR

MAR 17 2014

Time 3:30 pm