

OFFICE WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2014

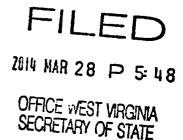
ENROLLED

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.



ENROLLED

H. B. 4437

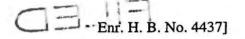
(By Delegates Perry, Morgan, Eldridge, Campbell and Poling, M.)
[By Request of the Juvenile Services]

[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:



17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

ALL CARTICLE SE. DIVISION OF JUVENILE SERVICES.

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

- (a) The Director of Juvenile Services may establish at each 1 facility under his or her jurisdiction a "Juvenile Trustee Fund". 2 3 The administrator or designee of each facility may receive and 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 personal property, as defined by policy, sent to the juveniles or earned by the juveniles as compensation for work performed while they are domiciled there. The administrator or designee 9 shall credit the money and earnings to the juveniles entitled to it and shall keep an accurate account of all the money and personal 10 11 property so received, which account is subject to examination by the Director of Juvenile Services and the Assistant Director of 12 13 Budget and Finance of the Division of Juvenile Services. The 14 administrator or designee shall deposit the moneys in one or more responsible banks in accounts to be designated a "Juvenile 15 16 Trustee Fund".
 - (b) The administrator or designee shall keep in an account for all juveniles at least ten percent of all money earned during the juveniles commitment and pay the money to the juvenile at the time of the juvenile's release. The administrator or designee may authorize the juvenile to withdraw money from his or her mandatory savings for the purpose of preparing the juvenile for reentry into society.
 - (c) The administrator or designee shall deliver to the juvenile at the time he or she leaves the facility, or as soon as practicable after departure, all personal property, moneys and earnings then credited to the juvenile, or in case of the death of the juvenile before authorized release from the facility, the administrator or designee shall deliver the property to the juvenile's personal representative. If a conservator is appointed for the juvenile 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
- 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.

Chairman, House Committee Chairman, Senate Committee Originating in the House. In effect ninety days from passage. Clerk of the House of Delegates Clerk of the Senate te Housesof é Senate crowed this the 08 The within Lo 2014. day of _

PRESENTED TO THE GOVERNOR

MAR 1 7 2014

Time 3:30 pm