

WEST VIRGINIA LEGISLATURE

EIGHTY-SECOND LEGISLATURE

REGULAR SESSION, 2015

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2015 MAR 13 P 4: 58

FILED



ENROLLED

Senate Bill No. 507

(By SENATORS TRUMP AND PLYMALE)

[PASSED MARCH 6, 2015; IN EFFECT FROM PASSAGE.]

SB 507

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OFFICE WEST VIRGINIA
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(BY SENATORS TRUMP AND PLYMALE)

[Passed March 6, 2015; in effect from passage.]

AN ACT to amend and reenact §31-20-5e of the Code of West Virginia, 1931, as amended, relating to allowing emails and other types of electronic communications to and from regional jail inmates be monitored, intercepted, recorded and disclosed; and providing exception for attorney-client privileged communications.

Be it enacted by the Legislature of West Virginia:

That §31-20-5e of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND
CORRECTIONAL FACILITY AUTHORITY.**

§31-20-5e. Monitoring of inmate telephone calls and electronic communications; procedures and restrictions; attorney-client privilege protected and exempted.

- 1 (a) The executive director or his or her designee is
- 2 authorized to monitor, intercept, record and disclose the
- 3 content of telephone calls and, if available to inmates, emails
- 4 and other forms of electronic communications to or from
- 5 inmates housed in regional jails in accordance with the
- 6 following provisions:

7 (1) All inmates housed in regional jails shall be notified
8 in writing that their telephone conversations, emails and other
9 forms of electronic communications may be monitored,
10 intercepted, recorded and disclosed;

11 (2) Only the executive director and his or her designee
12 shall have access to recordings of inmates' telephone calls,
13 emails and other forms of electronic communications unless
14 disclosed pursuant to subdivision (4) of this subsection;

15 (3) Notice shall be prominently placed on or immediately
16 near every telephone or other communication device that may
17 be monitored;

18 (4) The contents of inmates' telephone calls, emails and
19 other forms of electronic communications may be disclosed
20 to the appropriate law-enforcement agency only if the
21 disclosure is:

22 (A) Necessary to safeguard the orderly operation of the
23 regional jails;

24 (B) Necessary for the investigation of a crime;

25 (C) Necessary for the prevention of a crime;

26 (D) Necessary for the prosecution of a crime;

27 (E) Required by an order of a court of competent
28 jurisdiction; or

29 (F) Necessary to protect persons from physical harm or
30 the threat of physical harm;

31 (5) Recordings of telephone calls may be destroyed after
32 twelve months unless further retention is required for

33 disclosure pursuant to subdivision (4) of this subsection or,
34 in the discretion of the executive secretary, for other good
35 cause.

36 (b) To safeguard the sanctity of the attorney-client
37 privilege, an adequate number of telephone lines that are not
38 monitored shall be made available for telephone calls
39 between inmates and their attorneys. Such calls shall not be
40 monitored, intercepted, recorded or disclosed in any matter.
41 If inmates have access to email or other forms of electronic
42 communications, the executive director shall develop a
43 system that allows inmates to confidentially communicate
44 with their attorneys thereby safeguarding the sanctity of the
45 attorney-client privilege.

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

Mark R. Matthews
.....
Chairman Senate Committee

John B. Hoyle
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Mark S. Brown
.....
Clerk of the Senate

Steph D. Harris
.....
Clerk of the House of Delegates

Phillip D. Cole
.....
President of the Senate

William H. H. ...
.....
Speaker of the House of Delegates

The within *is approved* this the *13th*
Day of *March*, 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 10 2015

Time 3:13 PM