

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 441

BY SENATOR TRUMP

[Originating in the Committee on the Judiciary;

reported on January 26, 2022]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §15A-4-8a, relating to correctional institutions and juvenile facilities generally;
3 deeming certain video and audio recordings records and reports to be confidential;
4 creating exceptions to confidentiality; requiring court orders directly disclosure to contain
5 a provision limiting disclosure to the purposes necessary to the proceeding and prohibiting
6 unauthorized use and publication; and defining terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. CORRECTIONS MANAGEMENT.

§15A-4-8a. Facility video and security records confidential; exceptions.

1 (a) The contents of all records necessary for the safe and secure management of inmates
2 and residents committed to state correctional and juvenile facilities are confidential and may only
3 be disclosed or released pursuant to this section.

4 (b) As used in this section, “records necessary for the safe and secure management of
5 inmates and residents” means:

6 (1) Video and audio recordings produced in a correctional or juvenile facility;

7 (2) Incident reports and attachments thereto;

8 (3) Investigation reports and any attachments thereto, including but not limited to, witness
9 statements; and

10 (4) Any document or recording generated within a facility containing information which
11 would reasonably place the safety of an employee, inmate, or resident in jeopardy.

12 (c) Records protected pursuant to the provisions of this section may be disclosed:

13 (1) To the Secretary of the Department of Homeland Security, his or her designees and
14 the commissioner or his or her designees for official use;

15 (2) To law enforcement when release is determined by the commissioner or his or her
16 designee to be necessary for the investigation, prevention, or prosecution of a crime or crimes;

17 (3) To the Juvenile Justice Commission and its designees acting in the course of their
18 official duties; and

19 (4) Pursuant to a lawful order of a court of record for use in a civil, criminal, or
20 administrative matter: *Provided*, That the order shall contain a provision limiting disclosure or
21 publication of the records to purposes necessary to the proceeding and prohibiting its
22 unauthorized use and reproduction.