WEST virginia legislature

2023 regular session

Introduced

House Bill 2045

By Delegates Steele, Hillenbrand and Heckert

[Introduced January 11, 2023; Referred to the Committee on Jails and Prisons then Finance]

A BILL to amend and reenact §15A-2-1 of the Code of West Virginia, 1931, as amended, relating to dividing pretrial detention jail costs between arresting authorities.

Be it enacted by the Legislature of West Virginia:

Article 2. Division of Administrative Services.

§15A-2-1. Division of Administrative Services.

(a) The Division of Administrative Services is created within the department to perform the administrative services for identified agencies within the department.

(b) The Division of Administrative Services shall provide fiscal services, payroll services, human resources services, and procurement services for the Division of Corrections and Rehabilitation, created in §15A-3-1 *et seq.* of this code, and any other agencies or boards required by the secretary: *Provided*, That the secretary may not require the administrative services of the State Police, the West Virginia National Guard, or the West Virginia Military Authority be provided by the Division of Administrative Services. The division is the designated staffing agency for, and shall provide executive and administrative support to, the Governor's Committee on Crime, Delinquency and Correction, and all of its subcommittees, in the coordination of planning for the criminal justice system and administering federal and state grant programs assigned to it by the actions of the Governor or Legislature.

(c) The State Police, the West Virginia National Guard, and the West Virginia Military Authority may elect to utilize the services of the Division of Administrative Services. The Director of the Division of Administrative Services ~~is authorized to~~ may enter into a memorandum of understanding with the head of the State Police, the West Virginia National Guard, or the West Virginia Military Authority to effectuate this utilization.

(d) The division may apply for grants and other funding from federal or state programs, foundations, corporations and organizations which funding is consistent with its responsibilities and the purposes assigned to it or the subcommittees it staffs. The Division of Administrative Services is hereby designated as the state administrative agency responsible for criminal justice and juvenile justice systems, and various component agencies of state and local government, for the planning and development of state programs and grants which may be funded by federal, state or other allocations in the areas of public safety, community corrections, law-enforcement training and compliance, sexual assault forensic examinations, victim services, human trafficking, and juvenile justice unless such administration has been specifically entrusted to another state agency by the Legislature. The division is empowered to comply with all regulations and requirements to qualify for such grants funded by federal, state or other allocations and to administer such funds.

(e) Notwithstanding any other provision of this code to the contrary, whenever in this code, or a rule promulgated thereunder, a reference is made to the Director of the Division of Justice and Community Services, it shall be construed to mean the Director of the Division of Administrative Services. Whenever in this code, or a rule promulgated thereunder, a reference is made to the Division of Justice and Community Services, it shall be construed to mean the Division of Administrative Services.

(f) Notwithstanding any other provision of this code to the contrary, Class I and Class II municipal corporations, as defined in §8-1-3 of this code, shall reimburse the Division of Administrative Services for the pretrial detention costs of housing persons arrested by law-enforcement agents of those municipalities: *Provided*, That a specific state agency shall reimburse the division for the pretrial detention costs of housing persons arrested by that agency, and county commission corporations shall reimburse the division for the pretrial detention costs of housing persons arrested by the county's sheriff’s department: *Provided, however,* That in the instance a person is arrested by members of a multi-jurisdictional or interagency task force, the pretrial detention costs of the arrestee shall be borne by the entities comprising the task force pursuant to a memorandum of understanding or other agreement.

NOTE: The purpose of this bill is to divide the responsibility for pretrial detention jail costs between arresting authorities.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.