WEST virginia legislature

2023 regular session

Introduced

House Bill 2265

By Delegate Pushkin

[Introduced January 11, 2023; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §25-5-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting the private ownership or operation of a prison in West Virginia.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. PRIVATE PRISONS.

§25-5-5. Prohibition of constructing or operating a correctional facility; exceptions.

(a) No person may operate a private prison facility or provide correctional services in this state without first obtaining the written approval of the secretary.

(b) No person may construct, modify, lease, or otherwise alter a private prison facility without first obtaining the written approval of the Regional Jail Authority.

(c) Nothing in this section shall impair the right of the state or its political subdivisions to operate a prison facility or provide correctional services.

(d) No private contractor may operate a correctional facility in this state for the confinement of maximum security inmates sentenced to a term of incarceration by a foreign court.

(e) Effective July 1, 2023, no person may own or operate a private prison facility in this state.

NOTE: The purpose of this bill is to prohibit the private ownership or operation of prison facilities in West Virginia.

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