

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4278

FISCAL
NOTE

By Delegate C. Pritt

[Introduced January 10, 2024; Referred
to the Committee on Jails and Prisons then the
Judiciary then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §15A-13-1; to amend said code by adding thereto a new section, designated
 3 §18-31-14; and to repeal §25-5-5 of said code, all relating to the creation of private prisons
 4 in West Virginia; permitting the HOPE scholarship to apply to those in private prison who
 5 seek to achieve their high school diploma or GED; setting forth the terms of the private
 6 prison; and repealing the prohibition against private prisons in West Virginia.

Be it enacted by the Legislature of West Virginia:

CHAPTER 15A. DEPARTMENT OF HOMELAND SECURITY.

ARTICLE 13. PRIVATE PRISONS.

§15A-13-1. Establishment of private prisons; terms of operations; funding.

1 (a) Establishment. – There is hereby established authorization for private prisons to
 2 operate in this state subject to the conditions and requirements listed in this article.

3 (b) Terms of operations. – The following terms shall be applicable of the purpose of this
 4 article:

5 (1) Housing in a private prison shall be voluntary for both the inmate and the prison.

6 (2) Either the inmate or the operator of the private prison can end the relationship with one
 7 another at the prison.

8 (3) An inmate may only be eligible for housing in the private prison when the inmate has a
 9 minimum of 60 days left on his or her sentence.

10 (4) No infraction that occurs within a private prison can extend a sentence.

11 (5) An inmate who commits a crime within a private prison ends the eligibility of an inmate
 12 to choose a private prison.

13 (6) An inmate may have no record of violence or escape that occurred within a public
 14 prison.

15 (7) Regular, random drug testing shall occur for inmates within the private prison.

16 (8) If there is any record of violence or drugs from an inmate within the private prison, the
17 inmate shall be sent back to public prison.

18 (9) The private prison shall exclusively serve low or minimum-security inmates.

19 (10) The private prison shall offer an educational pathway for those inmates who did not
20 complete their high school education. The inmates shall have the ability to earn their high school
21 diploma or GED.

22 (11) The private prison shall offer higher education or trades to inmates who desire to
23 pursue these types of education.

24 (12) The private prison shall offer trade skills training needed for any work offered.

25 (13) The private prison shall offer work and facility jobs within the prison at half of the
26 amount of minimum wage, with subcontracted jobs to be paid at minimum wage, but not less than
27 25% of the contracted rate.

28 (14) The private prison may require inmates to work up to 40 hours per week, and may
29 offer voluntary overtime.

30 (15) The private prison may not sell necessities like toilet paper, toothbrush/paste, clothing,
31 or other personal effects.

32 (16) The private prison may sell upgrades to food, clothing, accommodations, such as
33 private rooms, larger beds, private television, or otherwise.

34 (17) The private prison may offer a "halfway" house feature for inmates as appropriate.
35 Specifically, an inmate may sleep or work at the private prison while having off-site privileges.
36 Additionally, the inmate may sleep at the private prison, but work off-site. The purpose of this
37 subsection is to provide for a smooth transition out of prison into living, working, and functioning to
38 reduce recidivism.

39 (18) Continued voluntary employment after release may be available to inmates of the
40 private prison, allowing the operator of the private prison to fill employment slots in contracts, even
41 if the private prison does not have enough inmates, and inmates may exit incarceration with a job.

42 (19) Private operators may advertise their facilities, educational opportunities, services,
43 training, amenities, opportunities, and otherwise to inmates at other public or private facilities.

44 (20) Inmates at private prisons may not be required to participate in any medical
45 experimentation.

46 (c) Funding. – Private operators shall receive a per diem equal to 90 percent of the public
47 prison or regional jail cost. Additionally, private prisons may seek grants or other funding that allow
48 such a private prison to enhance revenue.

CHAPTER 18. EDUCATION.

ARTICLE 31. HOPE SCHOLARSHIP PROGRAM.

§18-31-14. Applicability of scholarship to those in private prisons.

1 Subject to the other provisions of this article, inmates housed within a private prison
2 otherwise set forth in §15A-31-1 of this code shall qualify for the HOPE scholarship to achieve their
3 high school diploma or GED for the length of time spent in the private prison.

CHAPTER 25. DIVISION OF CORRECTIONS.

ARTICLE 5. PRIVATE PRISONS.

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

1 [Repealed].

NOTE: The purpose of this bill is to establish private prisons in West Virginia. The bill permits the HOPE scholarship to apply to those inmates in private prison who seek to achieve their high school diploma or GED. The bill sets forth the terms of the private prison. Finally, the bill repeals the prohibition against private prisons 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.