

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **Senate Bill 880**

**FISCAL  
NOTE**

By Senator Maynard

[Introduced March 21, 2025; referred  
to the Committee on the Judiciary; and then to the  
Committee on Finance]

1 A BILL to amend and reenact §15A-3-12 of the Code of West Virginia, 1931, as amended; and to  
2 amend the code by adding a new section, designated §15A-3-4a, relating to the Division of  
3 Corrections and Rehabilitation; creating powers and duties of the commissioner regarding  
4 Stevens Correctional Center; clarifying the ownership of Stevens Correctional Center;  
5 clarifying all debts owed by the County of McDowell have been paid; and clarifying  
6 institutions managed by the commissioner.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 15A. DEPARTMENT OF HOMELAND SECURITY.**

### **ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.**

#### **§15A-3-4a. Powers and duties of commissioner generally regarding Stevens Correctional Center.**

1 (a) In compliance with the powers and duties of the commissioner in §15A-3-4 of  
2 this code, the commissioner shall manage, direct, control, and govern Stevens Correctional  
3 Center in McDowell County consistent with any other juvenile or adult facility since Stevens  
4 Correctional Center in McDowell County has been transferred to the commissioner and is no  
5 longer contracted with the county commission of McDowell County to house and incarcerate  
6 inmates.

7 (1) Under prior actions, all of the facilities, equipment, and assets, associated with and on  
8 the property known as Stevens Correctional Center have been acquired and ownership assumed  
9 by the State of West Virginia through the Division of Corrections and Rehabilitation.

10 (2) All debt liability related to the operation of the Stevens Correctional Center in its  
11 capacity and previous agreements related to the West Virginia Division of Corrections and  
12 Rehabilitation currently owed by the County of McDowell have been paid and acquired by the  
13 West Virginia Division of Corrections and Rehabilitation and the State, or both.

14 (3) All county employees of the Stevens Correctional Center shall be transferred to the

15 West Virginia Division of Corrections and Rehabilitation in the state classified service system,  
16 subject to a one year probationary period, and shall carry over all rank and accrued annual and  
17 sick leave balances.

**§15A-3-12. Institutions managed by commissioner.**

1 (a) The commissioner shall manage, direct, control, and govern the prisons, jails, or  
2 correctional institutions of this state, and the juvenile facilities of this state, including, but not limited  
3 to:

4 Mount Olive Correctional Complex and Jail;  
5 Huttonsville Correctional Center and Jail;  
6 Anthony Correctional Center and Jail;  
7 Denmark Correctional Center and Jail;  
8 Pruntytown Correctional Center and Jail;  
9 Northern Regional Jail and Correctional Center;  
10 Saint Marys Correctional Center and Jail;  
11 Lakin Correctional Center and Jail;  
12 Ohio County Correctional Center and Jail;  
13 Beckley Correctional Center and Jail;  
14 Martinsburg Correctional Center and Jail;  
15 Salem Correctional Center and Jail;  
16 Stevens Correctional Center;  
17 Parkersburg Correctional Center and Jail;  
18 Charleston Correctional Center and Jail;  
19 Central Regional Jail and Corrections Facility;  
20 Eastern Regional Jail and Corrections Facility;  
21 North Central Regional Jail and Corrections Facility;  
22 Potomac Highlands Regional Jail and Corrections Facility;

23 South Central Regional Jail and Corrections Facility;  
24 Southern Regional Jail and Corrections Facility;  
25 Southwestern Regional Jail and Corrections Facility;  
26 Tygart Valley Regional Jail and Corrections Facility;  
27 Western Regional Jail and Corrections Facility;  
28 Donald R. Kuhn Juvenile Center;  
29 Gene Spadaro Juvenile Center;  
30 J.M. Chick Buckbee Juvenile Center;  
31 Kenneth "Honey" Rubenstein Juvenile Center;  
32 Lorrie Yeager Juvenile Center;  
33 Robert L. Shell Juvenile Center;  
34 Sam Perdue Juvenile Center;  
35 Tiger Morton Juvenile Center;  
36 Vicki Douglas Juvenile Center; and  
37 Any other juvenile or adult facility later transferred to the commissioner.

38 ~~(b) The commissioner may contract with the county commission of McDowell County to~~  
39 ~~house and incarcerate inmates at the Stevens Correctional Center consistent with all~~  
40 ~~requirements and standards governing the division.~~

41 ~~(e)~~ (b) The commissioner may contract with Youth Services System to house and detain  
42 juveniles at the Ronald Mulholland Juvenile Center consistent with all the requirements and  
43 standards governing the division.

44 ~~(d)~~ (c) The commissioner may establish work and study release units as extensions and  
45 subsidiaries of those state institutions under his or her control and authority. The work and study  
46 release units may be coeducational and shall be managed, directed, and controlled as provided in  
47 this article.

48       ~~(e)~~ (d) The commissioner may contract with nonprofit or charitable entities including, but  
49 not limited to, nonprofit community mental health clinics, operating half-way houses, or transitional  
50 housing facilities for the placement of persons in the commissioner's custody, whether confined or  
51 under parole supervision, as long as the facilities meet standards and criteria established by the  
52 commissioner.

53       (1) The commissioner may direct that a person who is placed in a half-way house or  
54 transitional housing facility under this section make reimbursement to the state in the amount of a  
55 reasonable sum calculated to offset all or part of the costs of the placement. Prior to ordering the  
56 person to make the reimbursement, the commissioner, or his or her designee, shall consider the  
57 following:

58       (A) The person's ability to pay;

59       (B) The nature and extent of the person's responsibilities to his or her dependents, if any;

60       (C) The length of probable incarceration under the court's sentence; and

61       (D) The effect, if any, that reimbursement might have on the person's rehabilitation.

62       (2) The division shall provide the number of persons placed in a half-way house or a  
63 transitional housing facility as authorized in this section in its report made pursuant to §5-1-20 of  
64 this code, and shall describe its plans to use the authority provided under the provisions of §15A-3-  
65 12(g) of this code in furtherance of the duties and responsibilities imposed by this article.

66       ~~(f)~~ (e) All adult persons sentenced by a court to serve a sentence of incarceration in a  
67 prison, jail, or correctional institution under the jurisdiction of the commissioner shall be deemed to  
68 be sentenced to the custody of the commissioner. The commissioner, or his or her designee, has  
69 the authority to and may order the transfer of any adult to any appropriate institution within the  
70 division.

71       ~~(g)~~ (f) The commissioner has full discretionary authority to contract with any county jail, or  
72 other appropriate facility or institution for the incarceration and care of adult inmates. If a felony  
73 sentenced inmate is held in a jail facility or unit, under the jurisdiction of the commissioner, the

74 commissioner shall pay a per diem rate, not subject to the limitations set forth in §15A-3-16(g) of  
75 this code.

76 ~~(h)~~ (g) The commissioner, or his or her designee, may transfer any adult prisoner or inmate  
77 who is mentally disturbed and who would more appropriately be treated in an institution under the  
78 jurisdiction of the Bureau of Health, to the Bureau, subject to the approval of the Director of Health,  
79 and may transfer any adult prisoner or inmate to an appropriate mental facility for specialized  
80 medical treatment.

81 ~~(+)~~ (h) The commissioner shall, no later than July 1, 2019, complete an evaluation of all  
82 facilities within his or her control for the most appropriate space to house each type of inmate, and  
83 shall consult with the Juvenile Justice Commission on any and all intended uses of current or  
84 prospective juvenile facilities. This evaluation shall include an assessment of the physical plant of  
85 each institution, the inmate population size and type, and classification of inmates. Following  
86 completion of the evaluation, the commissioner shall develop a plan on how to best utilize the  
87 institutional space, and shall report to the Joint Committee on Government and Finance with  
88 recommendations regarding implementation of that plan. The commissioner may, from time to  
89 time, and as circumstances dictate, reorganize the facilities, and units within the facilities, to house  
90 pretrial inmates, convicted misdemeanants, and convicted felons in the most appropriate manner.  
91 No facility shall be converted from a juvenile to an adult facility, or from an adult to a juvenile facility,  
92 without legislative authorization.

NOTE: The purpose of this bill is to articulate and codify the powers and duties of the Commissioner generally regarding Stevens Correctional Center.

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