

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4415

By Delegates Green, Jeffries, Hanshaw (Mr.
Speaker), Pinson, Funkhouser, Butler, Brooks,
Marple, Hott, Browning, and B. Ward

[Originating in the Committee on the Judiciary;

Reported January 23, 2026]

1 A BILL to amend and reenact §61-5-8 of the Code of West Virginia, 1931, as amended, relating to
2 federal correctional institutions; adding federal correctional institutions to the list of
3 correctional facilities in which it is a criminal offense to deliver anything unlawfully to a
4 person in custody or confined therein; related to adding telecommunications device as a
5 prohibited object that may be delivered or transported, or caused to be delivered or
6 transported, into a correctional institute as defined therein; related to updating and
7 expanding the definition of telecommunications device; also amending, enhancing, and
8 modifying criminal penalties relate to crimes contained within §61-5-8 of this code.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-8. Aiding escape and other offenses relating to adults and juveniles in custody or confinement; penalties.

1 (a) Where any adult or juvenile is lawfully detained in custody or confinement in any jail,
2 state correctional facility, juvenile facility or juvenile detention center, or federal correctional facility,
3 if any other person delivers anything into the place of custody or confinement of the adult or
4 juvenile with the intent to aid or facilitate the adult's or juvenile's escape or attempted escape
5 therefrom, or if the other person forcibly rescues or attempts to rescue an adult or a juvenile
6 therefrom, the other person is guilty of a felony and, upon conviction thereof, shall be confined in a
7 state correctional facility not less than ~~one~~ three nor more than ~~ten~~ 15 years.

8 (b) Where any adult or juvenile is lawfully detained in custody or confinement in any jail, a
9 state correctional facility, ~~or a juvenile facility or juvenile detention center,~~ or federal correctional
10 facility, if any other person delivers any money or other thing of value, any written or printed matter,
11 any article of merchandise, food or clothing, any medicine, utensil or instrument of any kind to the
12 adult or juvenile without the express authority and permission of the supervising officer and with

knowledge that the adult or juvenile is lawfully detained, the other person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 and confined in jail not less than three nor more than ~~twelve~~ 12 months: *Provided*, That the provisions of this section do not prohibit an attorney or his or her employees from supplying any written or printed material to an adult or juvenile which pertains to that attorney's representation of the adult or juvenile.

(c)(1) If any person transports, or causes to be transported, any telecommunications device, alcoholic liquor, nonintoxicating beer, poison, implement of escape, dangerous material, weapon, or any controlled substance as defined by ~~chapter sixty-a~~ Chapter 60A of this code onto the grounds of any jail, state correctional facility, juvenile facility or juvenile detention center, or federal correctional facility within this state and is unauthorized by law to do so, or is unauthorized by the persons supervising the facility, the person is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or confined in a state correctional facility not less than two years nor more than ~~ten~~ 10 years, or both, ~~or, in the discretion of the court, be confined in jail not more than one year and fined not more than \$500.~~

~~(2) If any person willfully and knowingly transports or causes to be transported any telecommunications device into or upon any portion of any jail, state correctional facility, juvenile facility or juvenile detention center within this state that is not generally open and accessible to members of the public without prior approval from the warden/administrator or designee and such person is unauthorized by law to do so, or is unauthorized by the persons supervising the facility, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500 or confined in jail not more than one year or both fined and confined.~~

(d) If any person delivers, or causes to be delivered, any telecommunications device, alcoholic liquor, nonintoxicating beer, poison, implement of escape, dangerous material, weapon or any controlled substance as defined by ~~chapter sixty-a~~ Chapter 60A of this code to an adult or juvenile in custody or confinement in any jail, state correctional facility, juvenile facility or juvenile

detention center, or federal correctional facility within this state and is unauthorized by law to do so, or is unauthorized by the persons supervising the facility, the person is guilty of a felony and, upon conviction thereof, ~~shall be fined not less than \$1,000 nor more than \$5,000 or confined in a state correctional facility not less than one year nor more than five years, or both~~ shall be fined not less than \$1,000 nor more than \$5,000, or confined in a state correctional facility not less than two nor more than 10 years, or both.

(e) Whoever purchases, accepts as a gift or secures by barter, trade or in any other manner any article or articles manufactured at or belonging to any jail, state correctional facility, juvenile facility or juvenile detention center, or federal correctional facility from any adult or juvenile detained therein is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 and confined in jail not less than three nor more than twelve months: *Provided*, That the provisions of this subsection do not apply to articles specially manufactured in any facility under the authorization of the persons supervising the facility and which are offered for sale within or outside of the facility.

(f) Whoever persuades, induces or entices or attempts to persuade, induce or entice any person who is in custody or confined in any jail, state correctional facility, juvenile facility or juvenile detention center, or federal correctional facility to escape therefrom or to engage or aid in any insubordination to the persons supervising the facility is guilty of a ~~misdemeanor~~ felony and, upon conviction thereof, ~~shall be fined not less than \$50 nor more than \$500 and confined in jail not less than three nor more than twelve months~~ \$1,000 nor more than \$5,000 or confined in a state correctional facility not less than one year nor more than five years, or both.

(g) (1) An inmate of a jail, state correctional facility, juvenile facility or juvenile detention center, or federal correctional facility having in his or her possession any poison, implement of escape, dangerous material, weapon, telecommunications device or any controlled substance as defined by ~~chapter sixty-a~~ Chapter 60A of this code is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or confined in a state correctional

65 facility not less than ~~one year~~ two years nor more than ~~five~~ 10 years, or both, ~~or, in the discretion of~~
66 ~~the court, be confined in jail not more than one year and fined not more than \$500.~~

67 (2) An inmate of a jail, state correctional facility, juvenile facility or juvenile detention center,
68 or federal correctional facility having in his or her possession any alcoholic liquor, nonintoxicating
69 beer, money or other thing of value, any written or printed matter, any article of merchandise, food
70 or clothing, any medicine, utensil or instrument of any kind without the express authority and
71 permission of the supervising officer is guilty of a misdemeanor and, upon conviction thereof, shall
72 be fined not less than \$50 nor more than \$500 and confined in jail not more than ~~twelve~~ 12 months.

73 (h) As used in this section:

74 (1) "Dangerous material" means any incendiary material or device, highly flammable or
75 caustic liquid, explosive, bullet or other material readily capable of causing death or serious bodily
76 injury.

77 (2) "Delivers" means to transfer an item to an adult or juvenile who is detained in custody or
78 confinement in any jail, correctional facility, juvenile facility or juvenile detention center or a
79 building appurtenant to those places. The term includes bringing the item into a jail, correctional
80 facility, juvenile facility or juvenile detention center or a building appurtenant to those places. The
81 term includes putting an item in a place where it may be obtained by an inmate.

82 (3) "Inmate" means an adult or juvenile who is detained in custody or confinement in any
83 jail, correctional facility, juvenile facility or juvenile detention center, regardless of whether the
84 individual is temporarily absent due to medical treatment, transportation, court appearance or
85 other reason for a temporary absence.

86 (4) "Implement of escape" means a tool, implement, device, equipment or other item which
87 an inmate is not authorized to possess capable of facilitating, aiding or concealing an escape or
88 attempted escape by an inmate.

89 (5) "Telecommunication device" means any type of instrument, device, machine or
90 equipment which is capable of transmitting or receiving telephonic, electronic, digital, cellular,

91 satellite, internet, or radio communications or any part of an instrument, device, machine or
92 equipment which is capable of facilitating the transmission or reception of telephonic, electronic,
93 digital, cellular, satellite, internet, or radio communications regardless of whether the part itself is
94 able to transmit. The term includes, but is not limited to, cellular phones, digital phones, satellite
95 phones, tablet computers, computers, smart devices, and or other modem equipment devices.

96 (6) "Weapon" means an implement readily capable of lethal use and includes any firearm,
97 knife, dagger, razor, other cutting or stabbing implement or club. The term includes any item which
98 has been modified or adapted so that it can be used as a firearm, knife, dagger, razor, other cutting
99 or stabbing implement or club. For purposes of this definition, the term "firearm" includes an
100 unloaded firearm or the unassembled components of a firearm.