

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4415

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

[Introduced January 16, 2026; referred to the Committee on the Judiciary]

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.

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 nor more than ~~ten~~ 10 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
 13 knowledge that the adult or juvenile is lawfully detained, the other person is guilty of a
 14 misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500
 15 and confined in jail not less than three nor more than ~~twelve~~ 12 months: *Provided*, That the
 16 provisions of this section do not prohibit an attorney or his or her employees from supplying any
 17 written or printed material to an adult or juvenile which pertains to that attorney's representation of
 18 the adult or juvenile.

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

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

35 (d) If any person delivers any alcoholic liquor, nonintoxicating beer, poison, implement of
36 escape, dangerous material, weapon or any controlled substance as defined by chapter sixty-a of
37 this code to an adult or juvenile in custody or confinement in any jail, state correctional facility,
38 juvenile facility or juvenile detention center, or federal correctional facility within this state and is
39 unauthorized by law to do so, or is unauthorized by the persons supervising the facility, the person
40 is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than
41 \$5,000 or confined in a state correctional facility not less than one year nor more than five years, or
42 both.

43 (e) Whoever purchases, accepts as a gift or secures by barter, trade or in any other
44 manner any article or articles manufactured at or belonging to any jail, state correctional facility,

45 juvenile facility or juvenile detention center, or federal correctional facility from any adult or
46 juvenile detained therein is guilty of a misdemeanor and, upon conviction thereof, shall be fined
47 not less than \$50 nor more than \$500 and confined in jail not less than three nor more than twelve
48 months: *Provided*, That the provisions of this subsection do not apply to articles specially
49 manufactured in any facility under the authorization of the persons supervising the facility and
50 which are offered for sale within or outside of the facility.

51 (f) Whoever persuades, induces or entices or attempts to persuade, induce or entice any
52 person who is in custody or confined in any jail, state correctional facility, juvenile facility or juvenile
53 detention center, or federal correctional facility to escape therefrom or to engage or aid in any
54 insubordination to the persons supervising the facility is guilty of a misdemeanor and, upon
55 conviction thereof, shall be fined not less than \$50 nor more than \$500 and confined in jail not less
56 than three nor more than ~~twelve~~ 12 months.

57 (g) (1) An inmate of a jail, state correctional facility, juvenile facility or juvenile detention
58 center, or federal correctional facility having in his or her possession any poison, implement of
59 escape, dangerous material, weapon, telecommunications device or any controlled substance as
60 defined by chapter sixty-a of this code is guilty of a felony and, upon conviction thereof, shall be
61 fined not less than \$1,000 nor more than \$5,000 or confined in a state correctional facility not less
62 than one year nor more than five years, or both, or, in the discretion of the court, be confined in jail
63 not more than one year and fined not more than \$500.

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

70 (h) As used in this section:

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

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

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

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

86 (5) "Telecommunication device" means any type of instrument, device, machine or
87 equipment which is capable of transmitting telephonic, electronic, digital, cellular or radio
88 communications or any part of an instrument, device, machine or equipment which is capable of
89 facilitating the transmission of telephonic, electronic, digital, cellular or radio communications
90 regardless of whether the part itself is able to transmit. The term includes, but is not limited to,
91 cellular phones, digital phones and modem equipment devices.

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

NOTE: The purpose of this bill is to add federal correctional institutions to the list of correctional facilities in which is a criminal offense to deliver any thing unlawfully to a person in custody or confined therein.

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