

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5049

**FISCAL
NOTE**

By Delegate Toney

[Introduced February 02, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §15A-4-20 of the Code of West Virginia, 1931, relating to allowing
2 inmates to perform the community service of providing upkeep to cemeteries.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. CORRECTIONS MANAGEMENT.

§15A-4-20. Work program.

1 (a) The commissioner is authorized to establish at each institution a work program for
2 qualified inmates. The commissioner shall establish guidelines and qualifications to allow inmates
3 sentenced to a regional jail facility to be gainfully employed with local businesses and
4 governmental entities as part of a job program. A qualified inmate does not include an inmate
5 convicted of a sexual offense or a violent felony.

6 (b) An inmate who works in work programs established under this section may be required
7 to make reimbursement to the division toward the cost of his or her incarceration to be credited to
8 the agency billed for that incarceration, pursuant to the conditions set forth in §15A-4-19 of this
9 code.

10 (c) The commissioner may require qualified inmates to provide for the upkeep of
11 cemeteries in the political subdivision where the regional jail facility is located. If the cemetery is
12 located on public property, the commissioner shall have the request and approval of the political
13 subdivision. If the cemetery is located on private property, the commissioner shall obtain express
14 consent of the landowner prior to entry to perform such work. The landowner is immune from
15 liability if a loss or claim results from an inmate's performance of work related to the upkeep of a
16 cemetery in accordance with this section.

17 (e) (d) Notwithstanding any provision of this code to the contrary, the county commission,
18 its members and agents, the Division of Corrections and Rehabilitation or designee, its
19 employees, agents, or assigns, the Regional Jail and Correctional Facility Authority Board, its
20 members, agents, or assigns, the sheriff, and his or her deputies, shall be immune from all liability

- 21 of any kind except for accident, injury, or death resulting directly from gross negligence or
- 22 malfeasance.

NOTE: The purpose of this bill is to authorize use of inmates to perform work in the upkeep of local cemeteries.

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