

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5094**

By Delegates Pushkin, Lewis, and Garcia

[Introduced February 03, 2026; referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §25-5-5 of the Code of West Virginia, 1931, as amended, relating to  
2 prohibiting the private ownership or operation of a prison in West Virginia.

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

## ARTICLE 5. PRIVATE PRISONS.

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

1 (a) No person may operate a private prison facility or provide correctional services in this  
2 state without first obtaining the written approval of the secretary.

3 (b) No person may construct, modify, lease, or otherwise alter a private prison facility  
4 without first obtaining the written approval of the Regional Jail Authority.

5 (c) Nothing in this section shall impair the right of the state or its political subdivisions to  
6 operate a prison facility or provide correctional services.

7 (d) No private contractor may operate a correctional facility in this state for the confinement  
8 of maximum-security inmates sentenced to a term of incarceration by a foreign court.

9           (e) Effective July 1, 2026, no person may own or operate a private prison facility in this  
10   state.

NOTE: The purpose of this bill is to prohibit the private ownership or operation of prison facilities 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.