

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 433**

**FISCAL  
NOTE**

By Senator Deeds

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

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §15A-4-13b, relating to reimbursement for costs of incarceration; providing  
3 reimbursement for pre-conviction and post-conviction incarceration costs; providing a  
4 hearing to determine a defendant's ability to pay; providing defendants the option to  
5 petition the court under certain circumstances; and requiring that all moneys seized as  
6 evidence be forfeited to meet the regional jail bill.

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

#### **ARTICLE 4. CORRECTIONS MANAGEMENT.**

##### **§15A-4-13b. Reimbursement for costs of incarceration.**

1 (a) Notwithstanding any provision to the code to the contrary and in addition to any fine,  
2 cost, assessment, or fee authorized or required to be imposed upon a person by virtue of his or her  
3 conviction of a criminal provision of this code, or a lawfully enacted ordinance of a political  
4 subdivision of this state, a person so convicted and incarcerated in a regional jail by virtue of  
5 criminal conduct may be assessed the costs of up to 30 days of his or her incarceration, including  
6 pre-conviction incarcerations.

7 (b) Prior to any person being required to pay the cost of his or her incarceration pursuant to  
8 the provisions of subsection (a) of this section, a hearing shall be held before the sentencing court  
9 to determine his or her ability to pay. The court may not sentence a defendant to pay his or her  
10 costs of incarceration unless he or she is or in the foreseeable future will be able to pay them. In  
11 determining the amount and method of payment of costs, the court shall take account of the  
12 financial resources of the defendant and the nature of the burden that payment of costs will  
13 impose.

14 (c) A defendant who has been sentenced to pay costs and who is not in willful default in the  
15 payment of the costs may at any time petition the sentencing court for remission of the payment of  
16 costs or of any unpaid portion of the costs. If it appears to the satisfaction of the court that payment  
17 of the amount due will impose manifest hardship on the defendant or the defendant's family or

- 18 dependents, the court may excuse payment of all or part of the amount due in costs or modify the  
19 method of payment.
- 20 (d) Any monies seized as evidence shall be forfeited to meet the regional jail bill,  
21 regardless of the defendant's indigent status.

NOTE: The purpose of this bill is to provide reimbursement for costs of incarceration.

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