

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015



ENROLLED

Senate Bill No. 445

(BY SENATORS M. HALL, STOLLINGS, BOLEY,
BOSO, SNYDER, FACEMIRE AND PLYMALE)

[PASSED MARCH 10, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

E N R O L L E D

Senate Bill No. 445

(BY SENATORS M. HALL, STOLLINGS, BOLEY,
BOSO, SNYDER, FACEMIRE AND PLYMALE)

[Passed March 10, 2015; in effect ninety days from passage.]

AN ACT to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to the use and investment of Regional Jail and Correctional Facility Authority funds.

Be it enacted by the Legislature of West Virginia:

That §31-20-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND
CORRECTIONAL FACILITY AUTHORITY.**

§31-20-10. Regional Jail and Correctional Facility Authority funds.

- 1 (a) The Regional Jail and Correctional Facility Authority
- 2 may create special funds in the State Treasury to identify
- 3 various revenue sources and payment of specific obligations.
- 4 These funds may be used for purposes that include, but are
- 5 not limited to, the construction, renovation or repair of
- 6 specific facilities, cash control, facility maintenance and the
- 7 individual operations accounts of facilities operated by the

8 authority. The authority may create other separate accounts
9 within these funds that it determines are necessary for the
10 efficient operation of the authority.

11 (b) Revenues deposited into these funds shall be used to
12 make payments of interest and shall be pledged as security
13 for bonds, security interests or notes issued or lease-purchase
14 obligations entered into with another state entity by the
15 authority pursuant to this article.

16 (c) Whenever the authority determines that the balance in
17 these funds is in excess of the immediate requirements of this
18 article, it may request that the excess be invested in the West
19 Virginia Board of Treasury Investments or the West Virginia
20 Investment Management Board until needed. Earnings on
21 any investments pursuant to this section shall be credited to
22 these funds.

23 (d) If the authority determines that moneys held in these
24 funds are in excess of the amount needed to carry out the
25 purposes of this article, it shall take any action that is
26 necessary to release the excess and transfer it to the General
27 Revenue Fund of the State Treasury.

28 (e) These funds consist of the following:

29 (1) Amounts raised by the authority by the sale of bonds
30 or other borrowing authorized by this article;

31 (2) Moneys collected and deposited in the State Treasury
32 which are specifically designated by Acts of the Legislature
33 for inclusion in these funds;

34 (3) Contributions, grants and gifts from any source, both
35 public and private, which may be used by the authority for
36 any project or projects;

37 (4) All sums paid by the counties pursuant to subsection
38 (h) of this section; and

39 (5) All interest earned on investments made by the state
40 from moneys deposited in these funds.

41 (f) The amounts deposited in these funds shall be
42 accounted for and expended in the following manner:

43 (1) Amounts raised by the sale of bonds or other
44 borrowing authorized by this article shall be deposited in a
45 separate account within these funds and expended for the
46 purpose of construction, renovation and repair of correctional
47 facilities, regional jails and juvenile detention and
48 correctional facilities for which need has been determined by
49 the authority;

50 (2) Amounts deposited from all other sources shall be
51 pledged first to the debt service on any bonded indebtedness,
52 including lease-purchase obligations entered into by the
53 authority with another state entity or other obligation incurred
54 by borrowing of the authority;

55 (3) After any requirements of debt service have been
56 satisfied, the authority shall requisition from these funds the
57 amounts that are necessary to provide for payment of the
58 administrative expenses of this article;

59 (4) The authority shall requisition from these funds, after
60 any requirements of debt service have been satisfied, the
61 amounts that are necessary for the maintenance and operation
62 of regional jails that are constructed pursuant to the
63 provisions of this article and shall expend those amounts for
64 that purpose. These funds shall make an accounting of all
65 amounts received from each county by virtue of any filing
66 fees, court costs or fines required by law to be deposited in

67 these funds and amounts from the jail improvement funds of
68 the various counties. After the expenses of administration
69 have been deducted, the amounts expended in the respective
70 regions from those sources shall be in proportion to the
71 percentage the amount contributed to these funds by the
72 counties in each region bears to the total amount received by
73 these funds from those sources;

74 (5) Notwithstanding any other provisions of this article,
75 sums paid into these funds by each county pursuant to
76 subsection (h) of this section for each inmate shall be placed
77 in a separate account and shall be requisitioned from these
78 funds to pay for costs incurred at the regional jail facility at
79 which each inmate was incarcerated; and

80 (6) Any amounts deposited in these funds from other
81 sources permitted by this article shall be expended in the
82 respective regions based on particular needs to be determined
83 by the authority.

84 (g) (1) After a regional jail facility becomes available
85 pursuant to this article for the incarceration of inmates, each
86 county within the region shall incarcerate all persons whom
87 the county would have incarcerated in any jail prior to the
88 availability of the regional jail facility in the regional jail
89 facility except those whose incarceration in a local jail
90 facility used as a local holding facility is specified as
91 appropriate under the standards and procedures developed
92 pursuant to section nine of this article and who the sheriff or
93 the circuit court elects to incarcerate therein.

94 (2) Notwithstanding the provisions of subdivision (1) of
95 this subsection, circuit and magistrate courts are authorized to:

96 (A) Detain persons who have been arrested or charged
97 with a crime, in a county or municipal jail, specified as

98 appropriate under the standards and procedures developed
99 pursuant to section nine of this article, for a period not to
100 exceed ninety-six hours; or

101 (B) Commit persons convicted of a crime in a county or
102 municipal jail, specified as appropriate under the standards
103 and procedures developed pursuant to section nine of this
104 article, for a period not to exceed fourteen days.

105 (h) When inmates are placed in a regional jail facility
106 pursuant to subsection (g) of this section, the county shall pay
107 into the Regional Jail and Correctional Facility Authority
108 Fund a cost per day for each incarcerated inmate to be
109 determined by the Regional Jail and Correctional Facility
110 Authority according to criteria and by procedures established
111 by legislative rules proposed for promulgation pursuant to
112 article three, chapter twenty-nine-a of this code and as
113 established in section ten-a of this article to cover the costs of
114 operating the regional jail facilities of this state to maintain
115 each inmate. The per diem costs for incarcerating inmates
116 may not include the cost of construction, acquisition or
117 renovation of the regional jail facilities: *Provided*, That each
118 regional jail facility operating in this state shall keep a record
119 of the date and time that an inmate is incarcerated and a
120 county may not be charged for a second day of incarceration
121 for an individual inmate until that inmate has remained
122 incarcerated for more than twenty-four hours. After that, in
123 cases of continuous incarceration, subsequent per diem
124 charges shall be made upon a county only as subsequent
125 intervals of twenty-four hours pass from the original time of
126 incarceration.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman Senate Committee

.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

.....
President of the Senate

.....
Speaker of the House of Delegates

The within this the

Day of, 2015.

.....
Governor