

**WEST VIRGINIA  
SECRETARY OF STATE  
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ADMINISTRATIVE LAW DIVISION**

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OFFICE WEST VIRGINIA  
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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia Regional Jail and Correctional Facility Auth. TITLE NUMBER: 94

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: Criteria and Procedures for Determination of Projected  
Cost Per Day for Inmates in Regional Jails and  
Operated by the Authority.

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_


TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB276

SECTION §64-6-4, PASSED ON March 5, 2007

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: ~~March 27, 2007~~ March 28, 2007

  
Authorized Signature

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**TITLE 94  
LEGISLATIVE RULE  
REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**SERIES 7  
CRITERIA AND PROCEDURES  
FOR DETERMINATION OF PROJECTED COST PER DAY FOR INMATES  
INCARCERATED IN REGIONAL JAILS OPERATED BY THE AUTHORITY**

**§94-7-1. General.**

1.1. Scope. -- This legislative rule applies to the Regional Jail and Correctional Facility Authority, and to counties, municipalities, the West Virginia Division of Corrections, and any other entity by whose authority inmates are incarcerated and maintained in regional jails operated by the West Virginia Regional Jail and Correctional Facility Authority. The enforcement of this rule rests with the Executive Director of the Regional Jail and Correctional Facility Authority. W. Va. Code §31-20-10(h) requires the West Virginia Regional Jail and Correctional Facility Authority to develop an operational cost per day for inmates incarcerated in regional jails. This rule allocates resources and services necessary to protect the public safety by properly funding West Virginia's Regional Jail system.

1.2. Authority. -- W. Va. Code §31-20-10(h).

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeals and replaces 94CSR3 which was promulgated as a procedural rule on July 1, 1995.

**94-7-2. Calculation Of Projected Cost Per Inmate Day**

2.1. Annually, the Regional Jail and Correctional Facility Authority shall establish an expenditure schedule, consistent with the requirements of W. Va. Code §31-20-10a et. seq. for the operation of the Regional Jail system. This schedule will cover all operational costs including, but not limited to personal services, employee benefits, public employees insurance reserve fund, current expenses, liquidity reassurance reserve, repairs and alterations and assets, as well as budgetary cost adjustments and all requirements of the State Budget Office. Provided, that the an operational reserve fund may not exceed the amount of three months of anticipated operational expenditures.

2.2. The projected expenditure schedule will be divided by the previous fiscal year's billed average daily inmate population to yield the projected cost per inmate day.

**§94-7-3. Annual Statement of Projected Cost Per Inmate Day.**

In October of each year, an annual statement of projected cost per inmate day will be

provided, upon request, to any billed entity who has or may have an inmate incarcerated in a regional jail.

**§94-7-4. Preparation And Distribution Of Monthly Billing Statements**

4.1. The Authority shall prepare a monthly billing statement, which, at a minimum, will include the name of the inmate, incarceration dates, the number days the inmate was housed in a Regional Jail during the billing month, and the total charges per entity for inmate maintenance during the month.

4.2. The monthly billing statement shall be due and payable upon receipt.

4.3. The Executive Director, on behalf of the Authority, may initiate legal action to collect any debts resulting from the failure of a responsible entity to make prompt payment of billed charges per entity.