

A Dramatic Increase in State Prison Spending – with No Public Safety Justification

[Senate Bill 137](#) (Sponsor: Vince Deeds) – Passed the Senate on January 23, 2026

	Current Law	Proposed Law	How much more will WV pay per person sentenced?
1 st degree homicide	15 years to life	25 years to life	\$484,490
2 nd degree homicide	10 to 40 years	15 to 60 years	\$242,245 (SB 137)
Voluntary manslaughter	3 to 15 years	5 to 25 years	\$96,898
3 strikes life sentence	15 years to life	25 years to life	\$484,490

Longer, More Expensive Prison Sentences

- West Virginia has already seen major increases in prison spending. From 2024-2025, prison costs grew from \$271.7 million to \$348.2 million – an increase of \$76.5 million in one year.¹
- It costs \$48,449 each year to imprison one person – almost as much as the median WV household income.²
- SB 137 has **no fiscal note**, nor has it been considered by a finance committee.

No Public Safety Reason for Longer Sentences

- Longer sentences do not prevent harm. The National Research Council has found that “increasing already long sentences has **no material deterrent effect**.”³
- There is no evidence that penalties in surrounding states deters homicides here. But there is evidence of an opposite effect: homicide rates in *non*-death penalty states have remained consistently lower than the homicide rates in states that have the death penalty.⁴
- 2025 had the lowest number of homicide filings in West Virginia over a seven-year period (49 compared to an average of 71 for each of the previous 6 years).⁵
- Parole eligibility means *consideration* for release, *not* guaranteed release. If the Parole Board decides a person presents a safety risk, they will not be released. People released from WV prisons after serving a sentence for homicide have much lower recidivism rates than overall population.⁶

Can West Virginia Afford Another State Prison?

- In December 2025, DCR prisons housed 4,910 people. With the jail backlog of 685 people awaiting transfer to prison, DCR’s sentenced population is at **105% of prison capacity**.⁷
- Almost 20 years ago, the Governor’s Commission on Prison Overcrowding estimated a new state prison would cost West Virginians between \$100 and \$200 million.⁸ Recent prison projects offer a more realistic picture:

¹ DCR Annual Report FY 2024, p. 43; [DCR Annual Report FY 2025](#), p.43.

² DCR Annual Report FY 2024, p. 43; [DCR Annual Report FY 2025](#), p.43. Total prison spending increased from \$271.7 million in FY 2024 to \$348.2 million in FY 2025. [U.S. Census Quick Facts: West Virginia](#), Median Household Income: \$57,917.

³ [The Growth of Incarceration in the United States: Exploring Causes and Consequences](#), 140.

⁴ [Death Penalty Information Center](#): Murder Rate of Death Penalty States Compared to Non-Death Penalty States.

⁵ Supreme Court of West Virginia, Office of Statistical Information, February 16, 2026.

⁶ [DCR Recidivism Report](#), July 2024, p.2 (19.8% for homicides versus the overall recidivism rate of 35%. DCR defines recidivism as anyone coming back to prison within 3 years – regardless of whether it was a new crime committed or a technical violation like a missed appointment. Thus, recidivism does not necessarily indicate a new criminal offense.).

⁷ [DCR Daily Count](#), December 1, 2025. 5,595 people sentenced to prison represents 104% of DCR’s 5,368 prison capacity.

⁸ [The Governor’s Commission on Prison Overcrowding](#), p. 45.

- In 2022, the Utah State Correctional Facility opened after 5 years of construction.⁹ Originally estimated to cost \$550 million, the final construction costs totaled **\$1.05 billion**.
- In 2022, Alabama signed a \$623 million contract to build a new prison.¹⁰ Three years later, lawmakers approved an additional \$500 million for construction, bringing the total investment to **\$1.25 billion**.
- A 2026 fiscal note from the Missouri General Assembly (in response to a bill to increase minimum prison terms) estimated a new 1,500 bed prison would cost between **\$825 and \$900 million**.¹¹

You Don't Have to Kill Someone To Be Convicted of 1st Degree Murder

- Under the “felony murder” rule, a person can be convicted of 1st degree homicide even if they didn't kill anyone – or intend for anyone to die.¹²
- For example, a person who agrees to act as a lookout during a burglary can be convicted of first-degree murder if a co-conspirator panics and causes a fatal accident inside the building, even though the lookout never entered, never used violence, and never intended anyone to be harmed.¹³
- Under this rule, prosecutors do *not* need to prove intent to kill — only that a person participated in a felony a death resulted from it.

Turning Prisons into Nursing Homes

- Longer sentences over time have led to an older prison population. In 2002, **1 in 8 people** in prison were age 50 or older. By 2025, they were **1 in 3 people** in prison.¹⁴
- To meet their needs, state prisons have built hospice units and dementia wards.
- This kind of specialized care is expensive. State spending on medical care has *doubled* since 2019, ballooning to \$109 million in 2025.¹⁵

West Virginians Want a Different Approach to Criminal Justice

- A March 2025 poll revealed that 2 out of 3 people in the Mountain State support criminal justice reform (including 2 out of 3 Republican voters).¹⁶
- Instead of penalty increases, West Virginians support policies that would allow people to earn time off their prison sentence for their rehabilitative efforts.

⁹ Utah State Legislature, “[Utah State Correctional Facility](#),” September 6, 2022.

¹⁰ Mike Cason, “[Construction of Alabama’s New \\$1.25 Billion Prison, Largest in State, Runs Into Delay](#),” *AL.com*, Nov. 12, 2025.

¹¹ [Fiscal Note on HB 2256](#), Missouri Committee on Legislative Research Oversight Division, January 27, 2026.

¹² [West Virginia Code § 61-2-1](#).

¹³ [State v. Sims](#), 162 W. Va. 212 (1978)

¹⁴ [DCR Annual Report FY 2002](#), p. 119; [DCR Annual Report FY 2025](#), p. 18.

¹⁵ [DCR Annual Report FY 2025](#), p.43.

¹⁶ [New Poll Shows Strong, Bipartisan Support for Criminal Justice Reforms in West Virginia](#), March 2025.