

No: 1114

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OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-29-83

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

Com. Sub. for
HOUSE BILL No. 1114

(By Mr. Stepoe.....)



Passed March 12,..... 1983

In Effect Ninety Days From..... Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1114

(By MR. STEPTOE)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact section nine, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to probation and parole; authorizing courts to impose a period of confinement in the county jail as a condition of probation; and authorizing periods of release for such purposes as the court may direct.

Be it enacted by the Legislature of West Virginia:

That section nine, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-9. Conditions of release on probation.

1 Release on probation shall be upon the following condi-
2 tions:

3 (1) That the probationer shall not, during the term of
4 his probation, violate any criminal law of this or any other
5 state, or of the United States.

6 (2) That he shall not, during the term of his probation,
7 leave the state without the consent of the court which
8 placed him on probation.

9 (3) That he shall comply with the rules and regulations
10 prescribed by the court or by the board of probation and
11 parole, as the case may be, for his supervision by the proba-
12 tion officer.

13 In addition, the court may impose, subject to modification
14 at any time, any other conditions which it may deem ad-
15 visible, including, but not limited to, any of the following:

16 (1) That he shall make restitution or reparation, in whole
17 or in part, immediately or within the period of probation, to
18 any party injured by the crime for which he has been con-
19 victed.

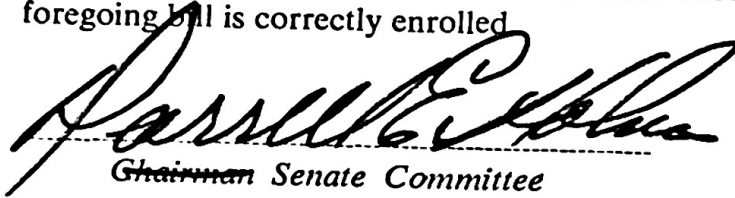
20 (2) That he shall pay any fine assessed and the costs of
21 the proceeding in such installments as the court may direct.

22 (3) That he shall make contribution from his earnings,
23 in such sums as the court may direct, for the support of his
24 dependents.

25 (4) That he shall, in the discretion of the court, be
26 required to serve a period of confinement in the county jail
27 of the county in which he was convicted for a period not to
28 exceed one third of the minimum sentence established by law
29 or one third of the least possible period of confinement in
30 an indeterminate sentence, but in no case shall such period of
31 confinement exceed six consecutive months. The court shall
32 have authority to sentence the defendant within such six-
33 months period to intermittent periods of confinement in-
34 cluding, but not limited to, weekends or holidays and may
35 grant unto the defendant intermittent periods of release in
36 order that he may work at his employment or for such other
37 reasons or purposes as the court may deem appropriate:
38 *Provided*, That the provisions of article eleven-a of this chap-
39 ter shall not apply to such intermittent periods of confinement
40 and release except to the extent that the court may direct. If
41 a period of confinement is required as a condition of proba-
42 tion, the court shall make special findings that other con-

43 ditions of probation are inadequate and that a period of con-
44 finement is necessary. The clerk of each circuit court shall
45 report by the fifteenth day of January each year to the
46 administrator of the supreme court of appeals of West Vir-
47 ginia, the number of cases in which a period of confinement
48 was made a condition of probation and the period of con-
49 finement ordered in each such case during the preceding
50 calendar year. Before the thirtieth day of the regular session
51 of the Legislature each year, the administrator shall collate
52 the reports submitted by the circuit clerks and file such
53 collation with the Clerk of each house of the Legislature.

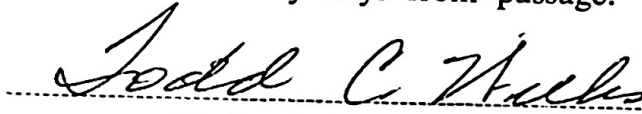
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled


Chairman Senate Committee



Chairman House Committee

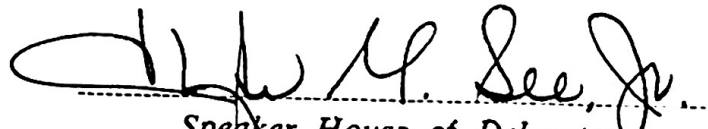
Originating in the House.

Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 29
day of March, 1983.


Governor

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83 MAR 31 P12: 37

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SECY. OF STATE