

FILED

2009 APR 30 PM 4:47

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2009

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**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 3305**

(By Delegates Webster, Caputo, Frazier,  
Hutchins, Kominar, Miley, Moore and  
Staggers)

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Passed April 10, 2009

In Effect Ninety Days from Passage

HB 3305

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SECRETARY OF STATE

**H. B. 3305**

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(BY DELEGATES WEBSTER, CAPUTO, FRAZIER,  
HUTCHINS, KOMINAR, MILEY, MOORE AND STAGGERS)

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[Passed April 10, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §62-12-6 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of probation officers; authorizing probation officers to arrest persons who violate conditions of probation or supervised release; eliminating the authority of probation officers to collect money; eliminating the requirement that probation officers post bond; and specifying the manner in which probation officers may exercise the power to arrest probationers and persons under their supervision.

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

That §62-12-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 12. PROBATION AND PAROLE.**

**§62-12-6. Powers and duties of probation officers.**

1 (a) Each probation officer shall investigate all cases  
2 which the court refers to the officer for investigation and  
3 shall report in writing on each case. The probation officer  
4 shall furnish to each person released on probation under the  
5 officer's supervision a written statement of the probationer's  
6 conditions of probation together with a copy of the rules  
7 prescribed by the court for the supervision of probationers.  
8 The probation officer shall stay informed concerning the  
9 conduct and condition of each probationer under the officer's  
10 supervision and shall report on the conduct and condition of  
11 each probationer in writing as often as the court requires.  
12 The probation officer shall use all practicable and suitable  
13 methods to aid and encourage the probationer to improve his  
14 or her conduct and condition. The probation officer shall  
15 maintain detailed work records and shall perform any other  
16 duties the court requires. The probation officer has authority,  
17 with or without an order or warrant, to arrest any probationer  
18 as provided in section ten of this article, and to arrest any  
19 person on supervised release when there is reasonable cause  
20 to believe that the person on supervised release has violated  
21 a condition of release. A person on supervised release so  
22 arrested shall be brought before the court for a prompt and  
23 summary hearing.

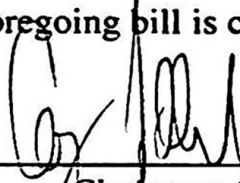
24 (b) Notwithstanding any provision of this code to the  
25 contrary:

26 (1) Any probation officer appointed on or after July 1,  
27 2002, may carry handguns in the course of the officer's  
28 official duties after meeting specialized qualifications  
29 established by the Governor's Committee on Crime,  
30 Delinquency and Correction, which qualifications shall  
31 include the successful completion of handgun training,  
32 including a minimum of four hours' training in handgun  
33 safety and comparable to the handgun training provided to  
34 law-enforcement officers by the West Virginia State Police.

35 (2) Probation officers may only carry handguns in the  
36 course of their official duties after meeting the specialized  
37 qualifications set forth in subdivision (1) of this subsection.

38 (3) Nothing in this subsection includes probation  
39 officers within the meaning of law-enforcement officers as  
40 defined in section one, article twenty-nine, chapter thirty of  
41 this code.

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

  
\_\_\_\_\_  
Chairman Senate Committee

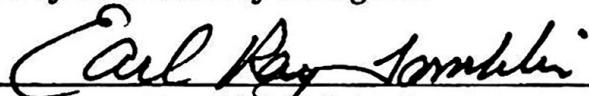
  
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Chairman House Committee

Originating in the House.

In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 30<sup>th</sup>  
day of April, 2009.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

APR 29 2009

Time 11:38 Am