

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

SENATE BILL No. 105

(By Mr. Randolph)



PASSED March 12th 1937

In Effect 10 days from Passage

ENROLLED
Senate Bill No. 105

(BY MR. RANDOLPH)

[Passed March 12, 1937; in effect ninety days from passage.]

AN ACT providing that the state of West Virginia may enter into
a compact with any state or states of the United States for
mutual helpfulness in relation to persons convicted of crime
or offenses who may be on probation or parole.

Be it enacted by the Legislature of West Virginia:

Section 1. The Governor of this state is hereby author-
2 ized and directed to execute a compact on behalf of the state
3 of West Virginia with any state or states of the United States
4 legally joining therein, in form substantially as follows:

5 A compact entered into by and among the contracting
6 states, signatories hereto, with the consent of the congress
7 of the United States of America, granted by an act entitled
8 “An act granting the consent of congress to any two or more
9 states to enter into agreements or compacts for cooperative
10 effort and mutual assistance in the prevention of crime
11 and for other purposes.”

12 The contracting states solemnly agree:

13 (1) That it shall be competent for the duly constituted
14 judicial and administrative authorities of a state party to
15 this compact, (herein called “sending state”), to permit
16 any person convicted of an offense within such state and
17 placed on probation or released on parole to reside in any
18 other state party to this compact, (herein called “receiving
19 state”), while on probation or parole, if

20 (a) Such person is in fact a resident of or has his family
21 residing within the receiving state and can obtain employ-
22 ment there;

23 (b) Though not a resident of the receiving state and not
24 having his family residing there, the receiving state con-
25 sents to such person being sent there.

26 Before granting such permission, opportunity shall be
27 granted to the receiving state to investigate the home and
28 prospective employment of such person.

29 A resident of the receiving state, within the meaning
30 of this section, is one who has been an actual inhabitant
31 of such state continuously for more than one year prior to
32 his coming to the sending state and has not resided within
33 the sending state more than six continuous months im-
34 mediately preceding the commission of the offense for which
35 he has been convicted.

36 (2) That each receiving state will assume the duties of
37 visitation of and supervision over probationers or parolees
38 of any sending state and in the exercise of those duties will
39 be governed by the same standards that prevail for its
40 own probationers and parolees.

41 (3) That duly accredited officers of a sending state may
42 at all times enter a receiving state and there apprehend
43 and retake any person on probation or parole. For that
44 purpose no formalities will be required other than estab-
45 lishing the authority of the officer and the identity of the

46 person to be retaken. All legal requirements to obtain
47 extradition of fugitives from justice are hereby expressly
48 waived on the part of states party hereto, as to such per-
49 sons. The decision of the sending state to retake a person
50 on probation or parole shall be conclusive upon and not
51 reviewable within the receiving state: *Provided, however,*
52 That if at the time when a state seeks to retake a proba-
53 tioner or parolee there should be pending against him within
54 the receiving state any criminal charge, or he should be
55 suspected of having committed within such state a criminal
56 offense, he shall not be retaken without the consent of the
57 receiving state until discharged from prosecution or from
58 imprisonment for such offense.

59 (4) That the duly accredited officers of the sending state
60 will be permitted to transport prisoners being retaken
61 through any and all states parties to this compact, without
62 interference.

63 (5) That the governor of each state may designate an
64 officer who, acting jointly with like officers of other con-
65 tracting states, if and when appointed, shall promulgate

66 such rules and regulations as may be deemed necessary to
67 more effectively carry out the terms of this compact.

68 (6) That this compact shall become operative immediate-
69 ly upon its execution by any state as between it and any
70 other state or states so executing. When executed it shall
71 have the full force and effect of law within such state, the
72 form of execution to be in accordance with the laws of the
73 executing state.

74 (7) That this compact shall continue in force and remain
75 binding upon each executing state until renounced by it.
76 The duties and obligations hereunder of a renouncing state
77 shall continue as to parolees or probationers residing there-
78 in at the time of withdrawal until retaken or finally dis-
79 charged by the sending state. Renunciation of this com-
80 pact shall be by the same authority which executed it, by
81 sending six months' notice in writing of its intention to
82 withdraw from the compact to the other states party hereto.

Sec. 2. If any section, sentence, subdivision or clause
2 of this act is for any reason held invalid or to be uncon-
3 stitutional, such decision shall not affect the validity of the
4 remaining portions of this act.

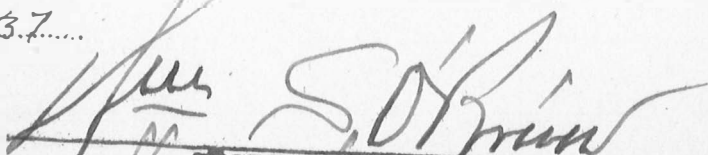
Sec. 3. This act may be cited as the "uniform act for

2 out-of-state parolee supervision."

I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval

This the 19th day of March

1937


S. O'Brien
SECRETARY OF STATE

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

Car. M. Albright

Chairman Senate Committee

Wm. S. O'Brien

Chairman House Committee

Originated in the.....

Takes effect..... passage.

Charles H. Hays

Clerk of the Senate

Wm. S. O'Brien

Clerk of the House of Delegates

Chas. E. Hays

President of the Senate

J. K. Thomas

Speaker House of Delegates

The within.....this the.....

day of....., 1937.

Governor

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



Filed in the office of the Secretary of State
of West Virginia. MAR 19 1937

Wm. S. O'BRIEN,
Secretary of State