WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1937

ENROLLED

SENATE BILL No. 105

(By Mr. Randolph)

PASSED March 12th, 1937

In Effect 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-
ized and directed to execute a compact on behalf of the state 
of West Virginia with any state or states of the United States 
legally joining therein, in form substantially as follows:
A compact entered into by and among the contracting states, signatories hereto, with the consent of the congress of the United States of America, granted by an act entitled "An act granting the consent of congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

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

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.
Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

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

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the
person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state: Provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

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

(5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate
such rules and regulations as may be deemed necessary to
more effectively carry out the terms of this compact.

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

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

Sec. 2. If any section, sentence, subdivision or clause
of this act is for any reason held invalid or to be uncon-
stitutional, such decision shall not affect the validity of the
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 prescribed by the constitution of the state, has become a law without his approval.

his the 12th day of March

1937

[Signature]

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

Chairman Senate Committee

Chairman House Committee

Originated in the

Takes effect..............................................passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

day of............................................., 1937.

Governor

MAR 19 1937

Wm. S. O'BRIEN,
Secretary of State