WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

HOUSE BILL No. 34

(By Mr. )

PASSED Feb. 19, 1959

In Effect 90 days from Passage

Filed in Office of the Secretary of State of West Virginia FEB 27 1959
JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend and reenact section nineteen, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to violation of parole, revocation and arrest.

Be it enacted by the Legislature of West Virginia:

That section nineteen, 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:

Section 19. Violation of Parole; Revocation and Arrest.

2 —If at any time during the period of parole, there shall be reasonable cause to believe that the parolee has violated any of the conditions of his release on parole, the probation and parole officer may arrest him with or without an order or warrant, or the board of probation and parole may issue its written order or warrant for his arrest, which
written order or warrant shall be sufficient for his arrest by any officer charged with the duty of executing an ordinary criminal process. The board's written order or warrant delivered to the sheriff against the paroled prisoner shall be a command to keep custody of the parolee for the jurisdiction of the board, and during the period of custody, the parolee shall be ineligible for release on bond; the costs of confining such paroled prisoner shall be paid out of the funds appropriated for the penitentiary from which he was paroled.

When a parolee is under arrest for violation of the conditions of his parole, he shall be given a prompt and summary hearing, at which the parolee and his counsel shall be given an opportunity to attend. If at the hearing, it shall appear to the satisfaction of the board that the parolee has violated any condition of his release on parole, or any rules and regulations for his supervision, the board may revoke his parole and may require him to serve in prison the remainder or any portion of his maximum sentence for which, at the time of his release, he was subject to imprisonment: Provided, however, That
if the violation of the conditions of parole or rules and regulations for his supervision is not a felony as set out in section eighteen of this article, the board may, if in its judgment the best interests of justice do not require that the parole be revoked, release him from custody and continue him on parole.

When a parolee has violated the conditions of his release on parole by confession to, or being convicted of any of the crimes mentioned in section eighteen of this article, he shall be returned to the penitentiary of this state to serve the remainder of his maximum sentence, during which remaining part of his sentence he shall be ineligible for further parole.

Whenever the parole of a paroled prisoner has been revoked, the warden shall upon receipt of the board’s written order of revocation, convey and transport the paroled prisoner to the penitentiary from which he was granted a release on parole. A paroled prisoner whose parole has been revoked shall remain in custody of the sheriff until delivery to guard sent and duly authorized by the warden for the removal of the paroled prisoner to the penitenti-
tiary; the costs of confining such paroled prisoner shall be paid out of the funds appropriated for the penitentiary from which he was paroled.

When a paroled prisoner is convicted of, or confesses to, any one of the crimes enumerated in section eighteen of this article, it shall be the duty of the board to cause him to be returned to this state for a summary hearing as provided by this article. A warrant filed by the board shall stop the running of his sentence until the paroled prisoner is within the jurisdiction of West Virginia. Whenever a paroled prisoner has absconded supervision, the board shall issue its warrant for his apprehension and return to this state for the summary hearing provided by this article: Provided, That the board may, if it be of opinion the best interests of justice do not require such hearing, cause the paroled absconder to be released to continue on parole.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. Jasper Jr.
Chairman Senate Committee

Endora Andrews
Chairman House Committee

Originated in the House of Delegates.

Takes effect 90 days from passage.

Edward H. Hope
Clerk of the Senate

O. A. Blankenship
Clerk of the House of Delegates

Ralph Moore
President of the Senate

N. D. Raney
Speaker House of Delegates

The within approved this the 27th day of February, 1959.

Governor