

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1959



ENROLLED

HOUSE BILL No. 34

(By Mr. MTYLES)



PASSED Feb 19 1959

In Effect 90 day from Passage



Filed in Office of the Secretary of State  
of West Virginia **FEB 27 1959**

**JOE F. BURDETT**  
**SECRETARY OF STATE**

**ENROLLED**  
**House Bill No. 34**  
(By MR. MYLES)

[Passed February 19, 1959; in effect ninety days from passage.]

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  
3 reasonable cause to believe that the parolee has violated  
4 any of the conditions of his release on parole, the proba-  
5 tion and parole officer may arrest him with or without an  
6 order or warrant, or the board of probation and parole may  
7 issue its written order or warrant for his arrest, which

8 written order or warrant shall be sufficient for his arrest  
9 by any officer charged with the duty of executing an  
10 ordinary criminal process. The board's written order or  
11 warrant delivered to the sheriff against the paroled priso-  
12 ner shall be a command to keep custody of the parolee  
13 for the jurisdiction of the board, and during the period  
14 of custody, the parolee shall be ineligible for release on  
15 bond; the costs of confining such paroled prisoner shall  
16 be paid out of the funds appropriated for the penitentiary  
17 from which he was paroled.

18 When a parolee is under arrest for violation of the con-  
19 ditions of his parole, he shall be given a prompt and sum-  
20 mary hearing, at which the parolee and his counsel shall  
21 be given an opportunity to attend. If at the hearing, it  
22 shall appear to the satisfaction of the board that the  
23 parolee has violated any condition of his release on parole,  
24 or any rules and regulations for his supervision, the  
25 board may revoke his parole and may require him to  
26 serve in prison the remainder or any portion of his maxi-  
27 mum sentence for which, at the time of his release, he  
28 was subject to imprisonment: *Provided, however, That*

29 if the violation of the conditions of parole or rules and  
30 regulations for his supervision is not a felony as set out  
31 in section eighteen of this article, the board may, if in its  
32 judgment the best interests of justice do not require that  
33 the parole be revoked, release him from custody and  
34 continue him on parole.

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

42 Whenever the parole of a paroled prisoner has been re-  
43 voked, the warden shall upon receipt of the board's writ-  
44 ten order of revocation, convey and transport the paroled  
45 prisoner to the penitentiary from which he was granted  
46 a release on parole. A paroled prisoner whose parole has  
47 been revoked shall remain in custody of the sheriff until  
48 delivery to guard sent and duly authorized by the warden  
49 for the removal of the paroled prisoner to the peniten-

50 tiary; the costs of confining such paroled prisoner shall  
51 be paid out of the funds appropriated for the penitentiary  
52 from which he was paroled.

53 When a paroled prisoner is convicted of, or confesses to,  
54 any one of the crimes enumerated in section eighteen of  
55 this article, it shall be the duty of the board to cause him  
56 to be returned to this state for a summary hearing as pro-  
57 vided by this article. A warrant filed by the board shall  
58 stop the running of his sentence until the paroled prisoner  
59 is within the jurisdiction of West Virginia. Whenever a  
60 paroled prisoner has absconded supervision, the board  
61 shall issue its warrant for his apprehension and return  
62 to this state for the summary hearing provided by this  
63 article: *Provided*, That the board may, if it be of opinion  
64 the best interests of justice do not require such hearing,  
65 cause the paroled absconder to be released to continue on  
66 parole.

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

*Wm. Jasper*  
Chairman Senate Committee

*Eudora Andrews*  
Chairman House Committee

Originated in the House of Delegates.

Takes effect *90 days from* passage.

*Howard Myers*  
Clerk of the Senate

*C. U. Blankenship*  
Clerk of the House of Delegates

*Ralph Bean*  
President of the Senate

*H. R. Pauley*  
Speaker House of Delegates

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

*W. H. Underwood*  
Governor

