

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 688

(By Mr. Buck and Mr. Powell)



PASSED March 2, 1967

In Effect July 1, 1967 Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-9-67

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House Bill No. 688

(By MR. BUCK and MR. POWELL)

[Passed March 2, 1967; in effect July 1, 1967.]

AN ACT to amend and reenact section five, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to court and county probation officers and assistants and increasing the salary of said officers and assistants.

Be it enacted by the Legislature of West Virginia:

That section five, 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:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-5. Court and county probation officers and assistants.

1 The judge of any court actively exercising jurisdiction

2 in criminal cases and having authority to place offenders
3 on probation is authorized to appoint a court or county
4 probation officer and a clerical assistant to serve during
5 the pleasure of the appointing judge, and in addition in
6 counties having a population of more than one hundred
7 fifty thousand, such judge is authorized to appoint an as-
8 sistant court or county probation officer: *Provided*, That
9 the appointing judge shall first obtain the approval of the
10 county court or the county courts in his judicial circuit of
11 the expenses to be incurred and the salary or salaries to be
12 paid the court or county probation officer and clerical as-
13 sistants, which approval shall be discretionary with said
14 county court or courts and shall be required before any
15 appointment made hereunder becomes effective.

16 The appointment of a court or county probation officer,
17 assistant court or county probation officer and clerical
18 assistant shall be in writing and entered on the order book
19 of the court by the judge making such appointment and
20 a copy of said order of appointment shall be delivered to
21 the county court of the county in which said court or
22 county probation officer, assistant court or county pro-

23 bation officer and clerical assistant shall serve. The said
24 order of appointment shall state the monthly salary
25 fixed by said judge, to be paid the court or county proba-
26 tion officer, assistant court or county probation officer or
27 clerical assistant so appointed. A court or county proba-
28 tion officer shall receive for his services a monthly
29 salary of not less than three hundred nor more than six
30 hundred dollars per month; an assistant court or county
31 probation officer shall receive for his services a monthly
32 salary of not less than three hundred and not more than
33 five hundred dollars per month. A clerical assistant shall
34 receive for his services a salary not to exceed three hun-
35 dred dollars per month. The county court shall make pro-
36 visions for payment and pay monthly the salary of the
37 court or county probation officer, assistant court or county
38 probation officer and clerical assistant as designated in
39 the order of appointment.

40 The county court shall provide adequate office space,
41 equipment and supplies for the court or county probation
42 officer, assistant court or county probation officer and
43 clerical assistant, to be approved by the appointing judge.

44 The county court shall reimburse a court or county pro-
45 bation officer and an assistant court or county probation
46 officer for all expenses actually and necessarily incurred
47 in line of duty in the field.

48 No judge shall appoint any court or county probation
49 officer, assistant court or county probation officer or cleri-
50 cal assistant who is related to him either by consanguinity
51 or affinity.

52 A judge of a circuit court whose circuit comprises more
53 than one county, having authority to appoint a court or
54 county probation officer, may appoint a court or county
55 probation officer and a clerical assistant in each county of
56 such circuit, or may appoint the same person as a court
57 or county probation officer and also the same person as
58 a clerical assistant in two or more of such counties.

59 When a judge has appointed a court or county proba-
60 tion officer and a clerical assistant to serve in a judicial
61 circuit including more than one county, the salary and
62 expenses of such appointees shall be contributed by each
63 county sharing in the services of such appointees in the
64 proportion agreed upon by such counties, if they agree,

65 otherwise in the proportion of the populations in the coun-
66 ties derived from the last United States census.

67 In lieu of, or in addition to, the court or county proba-
68 tion officers, assistant court or county probation officers and
69 clerical assistants provided for in this section, the judge
70 may avail himself of the services of state probation and
71 parole officers; and any such services which may be pro-
72 vided to the court or judge by said state probation and
73 parole officers, shall be rendered at no additional cost to
74 any court or judge so using them. The board of probation
75 and parole may assist any court or county probation of-
76 ficer, upon request, with information relative to proce-
77 dure, printed forms, and technique applicable to probation
78 methods.

79 Nothing contained in this section shall in any manner
80 alter, modify, affect or supersede the appointment, tenure
81 or salary of any probation officer appointed by any
82 court under any special act of the Legislature heretofore
83 or hereafter enacted.

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

William Tompo
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect July 1, 1967.

Stewart Myers
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

H. Laska White
Speaker House of Delegates

The within approved this the 8

day of March, 1967.

Wesley C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3-7-67

Time 2:55 P.M.