

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 268

(By Mr. Garrison And Mr. Hedrick)

PASSED March 11th 1972

In Effect July 1st 1972 Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-29-72

268

ENROLLED

Senate Bill No. 268

(By MR. GILLIGAN and MR. HEDRICK)

[Passed March 11, 1972; in effect July 1, 1972.]

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; salaries.

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 hun-
7 dred thousand, such judge is authorized to appoint an
8 assistant court or county probation officer: *Provided,*
9 That the appointing judge shall first obtain the approval
10 of the county court or the county courts in his judicial
11 circuit of the expenses to be incurred and the salary or
12 salaries to be paid the court or county probation officer
13 and clerical assistants, which approval shall be discre-
14 tionary with said county court or courts and shall be
15 required before any appointment made hereunder be-
16 comes effective.

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

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

41 The county court shall provide adequate office space,
42 equipment and supplies for the court or county probation
43 officer, assistant court or county probation officer and
44 clerical assistant, to be approved by the appointing judge.
45 The county court shall reimburse a court or county pro-
46 bation officer and an assistant court or county probation
47 officer for all expenses actually and necessarily incurred
48 in line of duty in the field.

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

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

60 When a judge has appointed a court or county proba-
61 tion officer and a clerical assistant to serve in a judicial
62 circuit including more than one county, the salary and
63 expenses of such appointees shall be contributed by each

64 county sharing in the services of such appointees in the
65 proportion agreed upon by such counties, if they agree,
66 otherwise in the proportion of the populations in the
67 counties derived from the last United States census.

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

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

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

Russell M. Beall
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1972.

Howard Wilson
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

George Brent
President of the Senate

Lawrence M. Harrison
Speaker House of Delegates

The within approved this the 27th
March day of _____, 1972.

Richard S. Roane, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/17/72

Time 1:00 p.m.

MAR 29 9 29 AM '72

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA