

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 208

(By Mr. Libert)



PASSED June 5 1973

In Effect Ninety days from Passage



FILED IN THE OFFICE  
EDGAR F. WEISKELL III  
SECRETARY OF STATE  
THIS DATE 6-13-73

208

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**House Bill No. 208**  
**(By MR. SEIBERT)**

(Originating in the House Committee on the Judiciary.)

[Passed June 5, 1973; in effect ninety days from passage.]

AN ACT to amend article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two, relating to the appointment of counsel for parole violators and the authority to appoint and pay such counsel.

*Be it enacted by the Legislature of West Virginia:*

That article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two, to read as follows:

**ARTICLE 12. PROBATION AND PAROLE.**

**§62-12-22. Appointment of counsel for parole violators; authority to appoint; payment of counsel.**

1 Any person accused of a violation of his parole, as set  
2 forth in this article, may be represented by counsel at any  
3 hearing held for the purpose of determining whether his parole  
4 should be revoked. In the event the person accused of a viola-  
5 tion of his parole is unable to pay for counsel and desires to

6 have counsel appointed for him, he shall present his application  
7 for the appointment of counsel and an affidavit reflecting his  
8 inability to pay for such counsel to a court of record having  
9 criminal jurisdiction in the county in which such person is con-  
10 fined or in the county in which the hearing is to be held for the  
11 purpose of determining whether his parole should be revoked,  
12 or to the judge thereof in vacation. If it appears to the satis-  
13 faction of the court or judge that such person is in fact unable  
14 to pay for counsel, such court or judge may appoint counsel  
15 to represent such person. In every case where counsel is so  
16 appointed, the court, by order entered of record, shall allow  
17 such appointed counsel a fee not to exceed two hundred dol-  
18 lars, said fee to be paid from the fund allocated by the state  
19 for the payment of criminal charges in the same manner as is  
20 provided for the payment of fees in felony cases as set forth in  
21 section one, article three of this chapter.

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

H. Daniel Darby  
Chairman Senate Committee

Lawrence C. Chubbuck  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carson  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

H. D. Burdette  
President of the Senate

Lewis T. McManus  
Speaker House of Delegates

The within approved this the 12th  
day of June, 1973.

Arva. Phares, Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date June 8, 1973

Time 4:00 p.m.