WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 708

(By Mr. Keibert)

PASSED June 5, 1973

In Effect Ninety days from Passage

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

Any person accused of a violation of his parole, as set forth in this article, may be represented by counsel at any hearing held for the purpose of determining whether his parole should be revoked. In the event the person accused of a violation of his parole is unable to pay for counsel and desires to
have counsel appointed for him, he shall present his application
for the appointment of counsel and an affidavit reflecting his
inability to pay for such counsel to a court of record having
criminal jurisdiction in the county in which such person is con-
 fined or in the county in which the hearing is to be held for the
purpose of determining whether his parole should be revoked,
or to the judge thereof in vacation. If it appears to the satis-
faction of the court or judge that such person is in fact unable
to pay for counsel, such court or judge may appoint counsel
to represent such person. In every case where counsel is so
appointed, the court, by order entered of record, shall allow
such appointed counsel a fee not to exceed two hundred dol-
 lars, said fee to be paid from the fund allocated by the state
for the payment of criminal charges in the same manner as is
provided for the payment of fees in felony cases as set forth in
section one, article three of this chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor
PRESENTED TO THE GOVERNOR

Date  June 8, 1973
Time  4:00 p.m.