

110: 2634

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

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ENROLLED

Com. SUB. FOR

HOUSE BILL No. 2634

(By ~~Delegate~~ MR. Speaker MR. Chambers
+ Delegate SWANN

[By Request of the Executive]

— ● —

Passed MARCH 14, 1987

In Effect Ninety Days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2634

(By MR. SPEAKER, MR. CHAMBERS and DELEGATE SWANN)
[By request of the Executive]

[Passed March 14, 1987; in effect ninety days from passage.]

AN ACT to amend and reenact section seven-a, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring that presentence reports be prepared and made available to the department of corrections prior to committing persons to the department of corrections for diagnosis and classification.

Be it enacted by the Legislature of West Virginia:

That section seven-a, 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.

§62-12-7a. Presentence diagnosis and classification; power of court; custody of convicted person; provision for presentence reports; penalty for escape.

1 Notwithstanding any other provision of law, when any
2 person has been found guilty of, or pleads guilty to, a
3 felony, the court may, prior to pronouncing of sentence,
4 direct that such person be delivered into the custody of

5 the commissioner of corrections, for the purpose of
6 diagnosis and classification for a period not to exceed
7 sixty days: *Provided*, That the court shall require that
8 a presentence report be completed by the probation
9 officer assigned to that person and made available to the
10 department of corrections prior to delivery of any person
11 to a statutorily approved diagnosis and classification
12 unit of the department of corrections. While at the
13 diagnosis and classification unit such person shall
14 undergo examination, diagnosis and classification and
15 he shall then be remanded and delivered to the custody
16 of the sheriff of the county wherein he was found guilty
17 or entered such plea. Within ten days following the
18 termination of such examination, diagnosis and classi-
19 fication, the commissioner of corrections shall make or
20 cause to be made a report to the court wherein the
21 person was found guilty, or entered his plea of guilty,
22 containing the results, findings, conclusions and recom-
23 mendations of the commissioner with respect to such
24 person.

25 Whenever any person is remanded into the custody of
26 the commissioner of corrections pursuant to this section,
27 such person shall be given credit on any sentence
28 subsequently imposed by the court equal to the time
29 spent in such custody.

30 Any person who has been delivered into the custody
31 of the commissioner under the provisions of this section
32 and who escapes from such custody, shall be guilty of
33 a felony, and, upon conviction thereof, shall be confined
34 in the penitentiary for one year. The term of confine-
35 ment under this section shall commence at the expira-
36 tion of any sentence such person would be subject to for
37 the offense for which such person had been found guilty
38 or to which he had entered his plea of guilty, as the case
39 may be.

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

Gene O. Williams

Chairman Senate Committee

Lyle Suttis

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jodd C. Wells

Clerk of the Senate

Donald L. Jopp

Clerk of the House of Delegates

Sam Turbill

President of the Senate

Robert C. Call

Speaker of the House of Delegates

The within *approved* this the *1st*
April day of _____, 1987.

Richard Rouse J.

Governor

...ED TO THE
GOVERNOR

Date 3/26/87

Time 2:36 p.m.

RECEIVED

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OFFICE OF THE ATTORNEY GENERAL
STATE OF TEXAS