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 person has been found guilty of, or pleads guilty to, a felony, the court may, prior to pronouncing of sentence, direct that such person be delivered into the custody of
the commissioner of corrections, for the purpose of
diagnosis and classification for a period not to exceed
sixty days: Provided, That the court shall require that
a presentence report be completed by the probation
officer assigned to that person and made available to the
department of corrections prior to delivery of any person
to a statutorily approved diagnosis and classification
unit of the department of corrections. While at the
diagnosis and classification unit such person shall
undergo examination, diagnosis and classification and
he shall then be remanded and delivered to the custody
of the sheriff of the county wherein he was found guilty
or entered such plea. Within ten days following the
termination of such examination, diagnosis and classi-
fication, the commissioner of corrections shall make or
cause to be made a report to the court wherein the
person was found guilty, or entered his plea of guilty,
containing the results, findings, conclusions and recom-
mendations of the commissioner with respect to such
person.

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

Any person who has been delivered into the custody
of the commissioner under the provisions of this section
and who escapes from such custody, shall be guilty of
a felony, and, upon conviction thereof, shall be confined
in the penitentiary for one year. The term of confine-
ment under this section shall commence at the expira-
tion of any sentence such person would be subject to for
the offense for which such person had been found guilty
or to which he had entered his plea of guilty, as the case
may be.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within       this the        day of    , 1987.

Governor