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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991

—●—
ENROLLED
Committee Substitute for
SENATE BILL NO. 30

(By Senators *Whitlow and Anderson*)

—●—
PASSED March 6, 1991
In Effect *90 days from* **Passage**

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 30

(BY SENATORS WHITLOW AND ANDERSON, *original sponsors*)

[Passed March 6, 1991; 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-three, relating to probation and parole; and when and how notification of date of parole hearing or release date to victim or member of victim's immediate family is to be given.

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-three, to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-23. Notification of parole hearing or release date to victim or member of immediate family.

1 At the time of sentencing following a conviction for
2 murder, aggravated robbery, sexual assault in the first
3 degree, kidnapping, arson or sexual offenses against

4 minors, the prosecuting attorney shall present, in
5 writing, to the victims or immediate family members
6 of deceased victims of murder, a document specifying
7 that the victim or immediate family members has the
8 right to notification prior to the time of a parole
9 hearing and release date. The notice provided by the
10 prosecutor shall specify the method to request notifi-
11 cation from the board.

12 At least thirty days prior to the date of release or the
13 date that a parole hearing is to be held for an inmate
14 who is in the custody of the commissioner of correc-
15 tions, the board of probation and parole shall notify
16 the victim or victims of the offense for which the
17 inmate is incarcerated of the hearing and release date.
18 If a victim is deceased, notification of the date of the
19 hearing and release shall be made to a member of the
20 victim's immediate family. The notification set forth
21 in this section shall be required to be sent only to
22 victims or family members of deceased victims of the
23 offenses of murder, aggravated robbery, sexual assault
24 in the first degree, kidnapping, arson and sexual
25 offenses against minors, and only if the victim or
26 victim's immediate family member has, in writing to
27 the board, requested that such notice be sent. Notice
28 stating the date, time and location of the parole
29 hearing and the release date shall be sent by certified
30 mail, return receipt requested.

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

Thomas Leck
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Samuel E. Allen
.....
Clerk of the Senate

Donald Z. Hoop
.....
Clerk of the House of Delegates

Keith Gustette
.....
President of the Senate

Bob Cole
.....
Speaker House of Delegates

The within is approved this the *13th*
day of *March*, 1991.

Yaston Caperton
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/12/91

Time 10:29 am