WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1993

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ENROLLED

SENATE BILL NO. 577

(By Senator Bass, et al.)

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PASSED April 10, 1993

In Effect from Passage
ENROLLED

Senate Bill No. 577

(BY SENATORS ROSS, DITTMAR AND YODER)

[Passed April 10, 1993; in effect from passage.]

AN ACT to amend and reenact section two, article thirteen, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to allowing the commissioner of corrections to charge parolees under the supervision of the division of corrections a fee to help defray the increasing costs of parole supervision.

Be it enacted by the Legislature of West Virginia:

That section two, article thirteen, 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 13. CORRECTIONS MANAGEMENT.

§62-13-2. Supervision of probationers and parolees; final determinations remaining with board of probation and parole.

1 The commissioner of corrections shall supervise all persons released on parole under any law of this state with the exception of those persons paroled pursuant to section thirteen, article two, chapter forty-nine of this code. The commissioner shall have authority to revoke the parole with appropriate due process. He
shall also supervise all probationers and parolees whose supervision may have been undertaken by this state by reason of any interstate compact entered into pursuant to the uniform act for out-of-state parolee supervision. The commissioner shall prescribe rules and regulations for the supervision of probationers and parolees under his supervision and control and shall succeed to all administrative and supervisory powers of the board of probation and parole and the authority of said board of probation and parole in such matters only. The commissioner of corrections may charge persons under his or her supervision who are on parole a monthly fee to be determined by the commissioner, based upon the parolee's ability to pay, not to exceed twenty dollars per month to defray costs of supervision. All fees collected shall be placed into a special revenue account in the state treasury to be used to defray the expenses incurred. The commissioner shall consider the following factors in determining whether the parolee is financially able to pay the fee:

(1) Current income prospects, taking into account seasonal variations in income;

(2) Liquid assets, assets which may provide collateral to obtain funds and other assets which may be liquidated to provide funds to pay the fee;

(3) Fixed debts and obligations, including federal, state and local taxes and medical expenses;

(4) Child care, transportation and expenses necessary for employment;

(5) Age or physical infirmity of resident family members; and

(6) The consequences for the individual if a waiver or reduced fee is denied.

The commissioner of corrections shall administer all other laws affecting the custody, control, treatment and employment of persons sentenced or committed to institutions under the supervision of the department or affecting the operation and administration of
institutions or functions of the department.

The final determination regarding the release of inmates from penal institutions and the final determination regarding revocation of parolees from such institutions pursuant to the provisions of article twelve, chapter sixty-two of this code shall remain within the exclusive jurisdiction of the board of probation and parole.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Enr. S. B. No. 577

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 21st day of April, 1993.

Governor