

HB 5012

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1994



ENROLLED

HOUSE BILL No. 5012

(By Delegate Mr. Speaker, Mr. Chambers,
and Delegate Burk)
[By Request of the Executive]

Passed March 16, 1994

In Effect 90 Days From Passage

ENROLLED
H. B. 5012

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE BURK)
[By Request of the Executive]

[Passed March 16, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section seventeen, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing for collection and disposition of fees from parolees and federal and foreign state probationers.

Be it enacted by the Legislature of West Virginia:

That section seventeen, 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.

§62-12-17. Conditions of release on parole.

1 Release and supervision on parole of any person,
2 including the supervision by the division of corrections
3 of any person paroled by any other state or by the
4 federal government, shall be upon the following
5 conditions:

6 (1) That the parolee may not, during the period of his
7 or her parole, violate any criminal law of this or any
8 other state or of the United States.

9 (2) That he or she may not, during the period of his
10 or her parole, leave the state without the consent of the

11 division.

12 (3) That he or she shall comply with the rules and
13 regulations prescribed by the division for his or her
14 supervision by the parole officer.

15 (4) That in every case wherein the parolee for a
16 conviction is seeking parole from an offense against a
17 child, defined in section twelve, article eight, chapter
18 sixty-one of this code; or article eight-b or eight-d of said
19 chapter, or similar convictions from other jurisdictions
20 where the parolee is returning or attempting to return
21 to this state pursuant to the provisions of article six,
22 chapter twenty-eight of this code, the parolee shall not
23 live in the same residence as any minor child, nor
24 exercise visitation with any minor child nor shall he or
25 she have any contact with the victim of the offense.

26 (5) That the parolee, and all federal or foreign state
27 probationers and parolees whose supervision may have
28 been undertaken by this state, shall be required to pay
29 a fee, based on his or her ability to pay, not to exceed
30 twenty dollars per month to defray costs of supervision.
31 The commissioner shall keep a record of all actions
32 taken and account for moneys received. No provision of
33 this section shall be construed to prohibit the division
34 from collecting such fees and conducting such checks
35 upon the effective date of this section. All moneys shall
36 be deposited in a special account in the state treasury
37 to be known as the "Parolee's Supervision Fee Fund."
38 Expenditures from said fund shall be for the purposes
39 of providing parole supervision required by the provi-
40 sions of this code and are not authorized from collections
41 but are to be made only in accordance with appropri-
42 ation by the Legislature and in accordance with the
43 provisions of article three, chapter twelve of this code
44 and upon the fulfillment of the provisions set forth in
45 article two, chapter five-a of this code: *Provided*, That
46 for the fiscal year ending the thirtieth day of June, one
47 thousand nine hundred ninety-four, expenditures are
48 authorized from collections rather than pursuant to an
49 appropriation by the Legislature. Amounts collected
50 which are found from time to time to exceed the funds
51 needed for purposes set forth in this article may be

52 transferred to other accounts or funds and redesignated
53 for other purposes by appropriation of the Legislature.
54 The division shall consider the following factors in
55 determining whether a parolee or probationer is
56 financially able to pay the fee:

57 (A) Current income prospects for the parolee or
58 probationer, taking into account seasonal variations in
59 income;

60 (B) Liquid assets of the parolee or probationer, assets
61 of the parolee or probationer that may provide collateral
62 to obtain funds and assets of the parolee or probationer
63 that may be liquidated to provide funds to pay the fee;

64 (C) Fixed debts and obligations of the parolee or
65 probationer, including federal, state and local taxes and
66 medical expenses;

67 (D) Child care, transportation and other reasonably
68 necessary expenses of the parolee or probationer related
69 to employment;

70 (E) The reasonably foreseeable consequences for the
71 parolee or probationer if a waiver of, or reduction in,
72 the fee is denied.

73 In addition, the division may impose, subject to
74 modification at any time, any other conditions which the
75 division may deem advisable.

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

[Handwritten Signature]
Chairman Senate Committee

[Handwritten Signature]
Ernest C Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Handwritten Signature]
Clerk of the Senate

[Handwritten Signature]
Donald L. Haff
Clerk of the House of Delegates

[Handwritten Signature]
President of the Senate

[Handwritten Signature]
Speaker of the House of Delegates

The within *is approved* this the *5th* day of *April*, 1994.

[Handwritten Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/94

Time 9:36 am