WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1994

ENROLLED

HOUSE BILL No. 5012

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

Passed March 16, 1994

In Effect 90 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, including the supervision by the division of corrections of any person paroled by any other state or by the federal government, shall be upon the following conditions:

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

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

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

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

(5) That the parolee, and all federal or foreign state probationers and parolees whose supervision may have been undertaken by this state, shall be required to pay a fee, based on his or her ability to pay, not to exceed twenty dollars per month to defray costs of supervision. The commissioner shall keep a record of all actions taken and account for moneys received. No provision of this section shall be construed to prohibit the division from collecting such fees and conducting such checks upon the effective date of this section. All moneys shall be deposited in a special account in the state treasury to be known as the “Parolee’s Supervision Fee Fund.” Expenditures from said fund shall be for the purposes of providing parole supervision required by the provisions of this code and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon the fulfillment of the provisions set forth in article two, chapter five-a of this code: Provided, That for the fiscal year ending the thirtieth day of June, one thousand nine hundred ninety-four, expenditures are authorized from collections rather than pursuant to an appropriation by the Legislature. Amounts collected which are found from time to time to exceed the funds needed for purposes set forth in this article may be
transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature. The division shall consider the following factors in determining whether a parolee or probationer is financially able to pay the fee:

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

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

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

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

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

In addition, the division may impose, subject to modification at any time, any other conditions which the division may deem advisable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Donald L. Hegg
Clerk of the House of Delegates

Paul B.痈
President of the Senate

Speaker of the House of Delegates

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

Governor
PRESENTED TO THE
GOVERNOR.
Date 3/31/94
Time 9:30 am