

SB 581

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998

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SENATE BILL NO. 581

(By Senator WOOTEN, ET AL)

PASSED MARCH 14, 1998

In Effect NINETY DAYS FROM Passage

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HOUSE OF DELEGATES

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Senate Bill No. 581

(BY SENATORS WOOTON, BALL, BOWMAN, DITTMAR, FANNING,
HUNTER, KESSLER, OLIVERIO, ROSS, SCHOONOVER,
SNYDER, WHITE, BUCKALEW, KIMBLE AND SCOTT)

[Passed March 14, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section nineteen, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to clarifying that authority to issue parole violator warrants rests in the commissioner of corrections; and authorizing division of corrections to assess costs for returning violators where parolee is able to pay.

Be it enacted by the Legislature of West Virginia:

That section nineteen, 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.**§62-12-19. Violation of parole.**

1 (a) If at any time during the period of parole, there shall
2 be reasonable cause to believe that the parolee has vio-
3 lated any of the conditions of his release on parole, the
4 parole officer may arrest him with or without an order or
5 warrant, or the commissioner of corrections may issue its
6 written order or warrant for his arrest, which written
7 order or warrant shall be sufficient for his arrest by any
8 officer charged with the duty of executing an ordinary
9 criminal process. The commissioner's written order or
10 warrant delivered to the sheriff against the paroled
11 prisoner shall be a command to keep custody of the
12 parolee for the jurisdiction of the division of corrections,
13 and during the period of custody, the parolee may be
14 admitted to bail by the court before which the parolee was
15 sentenced. If the parolee is not released on a bond, the
16 costs of confining such paroled prisoner shall be paid out
17 of the funds appropriated for the division of corrections.

18 (b) When a parolee is under arrest for violation of the
19 conditions of his parole, he shall be given a prompt and
20 summary hearing, at which the parolee and his counsel
21 shall be given an opportunity to attend. If at the hearing,
22 it shall appear to the satisfaction of the board that the
23 parolee has violated any condition of his release on parole,
24 or any rules and regulations for his supervision, the board
25 may revoke his parole and may require him to serve in
26 prison the remainder or any portion of his maximum
27 sentence for which, at the time of his release, he was
28 subject to imprisonment: *Provided*, That if the violation
29 of the conditions of parole or rules and regulations for his
30 supervision is not a felony as set out in section eighteen of
31 this article, the board may, if in its judgment the best
32 interests of justice do not require that the parole be
33 revoked, release him from custody and continue him on
34 parole.

35 (c) When a parolee has violated the conditions of his
36 release on parole by confession to, or being convicted of
37 any of the crimes set forth in section eighteen of this
38 article, he shall be returned to the custody of the division
39 of corrections to serve the remainder of his maximum
40 sentence, during which remaining part of his sentence he
41 shall be ineligible for further parole.

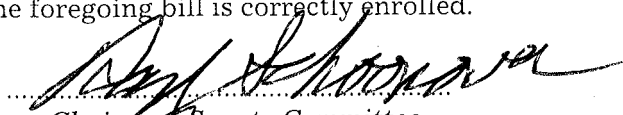
42 (d) Whenever the parole of a paroled prisoner has been
43 revoked, the commissioner shall upon receipt of the
44 board's written order of revocation, convey and transport
45 the paroled prisoner to a state penal institution from
46 which he was granted a release on parole. A paroled
47 prisoner whose parole has been revoked shall remain in
48 custody of the sheriff until delivery to a corrections officer
49 sent and duly authorized by the commissioner for the
50 removal of the paroled prisoner to a state penal institu-
51 tion; the cost of confining such paroled prisoner shall be
52 paid out of the funds appropriated for the penitentiary
53 from which he was paroled.

54 (e) When a paroled prisoner is convicted of, or confesses
55 to, any one of the crimes enumerated in section eighteen
56 of this article, it shall be the duty of the board to cause
57 him to be returned to this state for a summary hearing as
58 provided by this article. A warrant filed by the commis-
59 sioner shall stop the running of his sentence until the
60 paroled prisoner is returned to custody. Whenever a
61 paroled prisoner has absconded supervision, the commis-
62 sioner shall issue a warrant for his apprehension and
63 return to this state for the hearing provided for in this
64 article: *Provided*, That the board may, if it be of opinion
65 the best interests of justice do not require such hearing,
66 cause the paroled absconder to be released to continue on
67 parole.

68 (f) Whenever a parolee, who has absconded supervision
69 or has been transferred out of this state for supervision
70 pursuant to section one, article six, chapter twenty-eight

71 of this code is returned to West Virginia due to a violation
72 of parole and costs are incurred by the division of correc-
73 tions, the commissioner may assess reasonable costs from
74 the parolee's inmate funds as reimbursement to the
75 division of corrections for the costs of returning him to the
76 state of West Virginia.

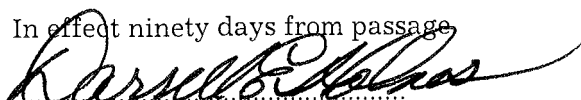
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee.

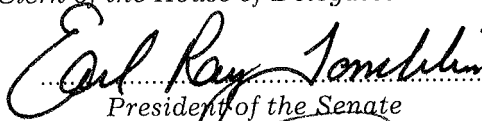

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Chairman House Committee

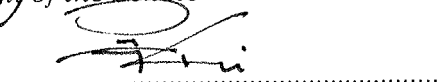
Originated in the Senate.

In effect ninety days from passage

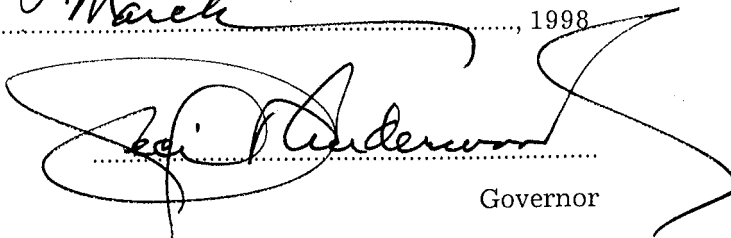

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within approved this the 27th
March
day of, 1998


.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/24/98

Time

3:12 pm