

HB 2703

RECEIVED

99 APR -5 AM 8 51

OFFICE OF THE CLERK
SENATE CHAMBERS

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2703

(By Delegates Givens and Ennis)



Passed March 12, 1999

In Effect Ninety Days from Passage

RECEIVED

99 APR -3 AM 9:51

OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2703

(BY DELEGATES GIVENS AND ENNIS)

[Passed March 12, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article eleven-b, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to home incarceration; permitting home incarceration to be ordered by a magistrate when the offender is convicted of a crime of violence except when the victim of the crime resides in the same home.

Be it enacted by the Legislature of West Virginia:

That section six, article eleven-b, 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 11B. HOME INCARCERATION ACT.

§62-11B-6. Circumstances under which home incarceration may not be ordered.

- 1 (a) A circuit court or magistrate may not order home
- 2 incarceration for an offender unless the offender agrees to abide
- 3 by all of the requirements set forth in the court's order issued
- 4 under this article.

5 (b) A circuit court or magistrate may not order home
6 incarceration for an offender who is being held under a
7 detainer, warrant or process issued by a court of another
8 jurisdiction.

9 (c) A magistrate may order home incarceration for an
10 offender only with electronic monitoring and only if the county
11 of the offender's home has an established program of electronic
12 monitoring that is equipped, operated and staffed by the county
13 supervisor or sheriff for the purpose of supervising participants
14 in a home incarceration program: *Provided*, That electronic
15 monitoring may not be required in a specific case if a circuit
16 court upon petition thereto finds by order that electronic
17 monitoring is not necessary.

18 (d) A magistrate may order home incarceration for an
19 offender convicted of a crime of violence against the person:
20 *Provided*, That the offender does not occupy the same home as
21 the victim of the crime.

22 (e) Home incarceration shall not be available as a sentence
23 if the language of a criminal statute expressly prohibits its
24 application.

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



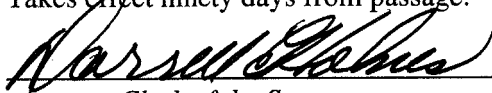
Chairman Senate Committee



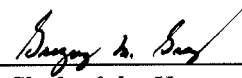
Chairman House Committee

Originating in the House.

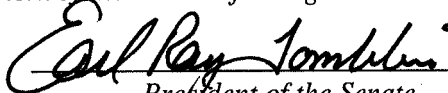
Takes effect ninety days from passage.




Clerk of the Senate



Clerk of the House of Delegates

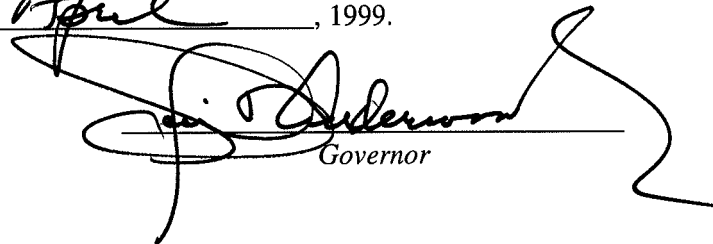


President of the Senate



Speaker of the House of Delegates

The within approved this the 15
day of April, 1999.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/30/99

Time 3:48pm