

S.B. 178

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SENATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



ENROLLED

Committee Substitute for

SENATE BILL NO. 178

(By Senator Paul et al)



PASSED March 1, 1999

In Effect ninty days from Passage

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 178

(BY SENATORS BALL, DITTMAR, REDD, OLIVERIO,
LOVE AND ANDERSON, *original sponsors*)

[Passed March 1, 1999; in effect ninety days from passage.]

AN ACT to amend article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-four, relating to requiring an inmate to make written motion to support a request for a continuance of a parole hearing; designation of person to whom motion given; notice requirements; promulgation of rules for exception; waiver of hearing for one year for noncompliance; and discretion of board to set hearings where waiver has occurred.

Be it enacted by the Legislature of West Virginia:

That article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be

amended by adding thereto a new section, designated section twenty-four, to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-24. Request to continue for good cause and timely notice required.

1 (a) Any inmate scheduled for a parole interview shall, if
2 he or she desires to continue the interview, file with the
3 institutional parole officer a written waiver of his or her
4 right to an interview on the date set on a form provided by
5 the commissioner of corrections, at least thirty days prior
6 to the interview date. A copy of the waiver shall be
7 supplied to the board of parole.

8 (b) The board shall propose for promulgation a legisla-
9 tive rule pursuant to article thirty, chapter twenty-nine-a
10 of this code, setting forth criteria constituting emergency
11 circumstances where a waiver of interview filed less than
12 thirty days prior to the scheduled interview shall consti-
13 tute good cause for a continuance.

14 (c) Any inmate failing to appear for his or her scheduled
15 parole interview who has not waived his or her interview
16 pursuant to subsection (a) or (b) of this section shall be
17 deemed to have waived his or her right to a parole inter-
18 view for a period of twelve months from the date of the
19 interview at which he or she failed to appear. The board
20 of parole shall have discretion to reset the interview with
21 notice to the inmate and any other person or persons
22 entitled by law to notice, prior to the expiration of the
23 twelve-month waiver period.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within..... *approved* this the *9th*
Day of..... *April*, 1999

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/5/99

Time

3:45 pm