WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999

ENROLLED

Committee Substitute for

SENATE BILL NO. 128

(By Senator Paul S. Davis)

PASSED March 1, 1999
In Effect ninety days from Passage
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.

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

(b) The board shall propose for promulgation a legislative rule pursuant to article thirty, chapter twenty-nine-a of this code, setting forth criteria constituting emergency circumstances where a waiver of interview filed less than thirty days prior to the scheduled interview shall constitute good cause for a continuance.

(c) Any inmate failing to appear for his or her scheduled parole interview who has not waived his or her interview pursuant to subsection (a) or (b) of this section shall be deemed to have waived his or her right to a parole interview for a period of twelve months from the date of the interview at which he or she failed to appear. The board of parole shall have discretion to reset the interview with notice to the inmate and any other person or persons entitled by law to notice, prior to the expiration of the twelve-month waiver period.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the Senate.
In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within... approved... this the... Day of... 1999

Governor
PRESENTED TO THE
GOVERNOR
Date 3/5/69
Time 3:45 pm