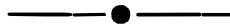


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WEST VIRGINIA LEGISLATURE

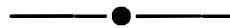
SECOND REGULAR SESSION, 2000



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4169

(By Delegates Stemple, Manuel, Warner and Pino)



Passed March 8, 2000

In Effect Ninety Days from Passage

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ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 4169

(BY DELEGATES STEMPLER, MANUEL, WARNER AND PINO)

[Passed March 8, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section fourteen, article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the electronic monitoring of offenders; permitting use of electronic monitoring equipment to aid in supervision of any offender; providing for the use of fees collected in the program; and revising restrictions on the types of equipment that may be used.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. ORGANIZATION AND INSTITUTIONS.

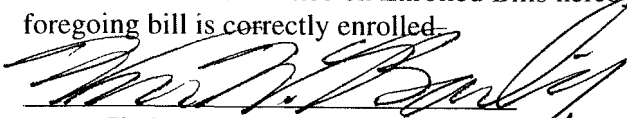
§25-1-14. Electronic monitoring of offenders; special account.

1 The commissioner may use electronic monitoring equip-
2 ment to aid in the supervision of offenders. The commissioner
3 shall charge offenders subject to supervision by means of
4 electronic monitoring equipment a reasonable fee, to be
5 established under a legislative rule promulgated by the commis-
6 sioner pursuant to article three, chapter twenty-nine-a of this
7 code, to help defray the costs of the purchase and use of the
8 equipment and the division of correction's operational costs:
9 *Provided*, That an offender's inability to pay a fee does not
10 preclude the offender from being eligible for this program.

11 All fees collected shall be deposited in a special account in
12 the state treasury designated the "electronic monitoring
13 program account". The funds deposited in the account may be
14 used by the commissioner only for the operation of the program
15 and for the administration of the division of corrections.

16 "Electronic monitoring equipment" means an electronic
17 device or apparatus approved by the division of corrections
18 which is capable of recording or transmitting information
19 regarding the offender's presence or nonpresence in a desig-
20 nated area. The device shall be minimally intrusive. Except to
21 the extent provided in this section, the division of corrections
22 shall not approve any monitoring device which is capable of
23 recording or transmitting (i) visual images, except for that of a
24 still image of the offender that can only be transmitted by the
25 offender triggering the monitoring system, or (ii) information
26 as to the offender's activities while he or she is within the
27 designated area. A monitoring device may transmit information
28 regarding blood alcohol levels. The monitoring device shall not
29 be used to eavesdrop or record any conversation: *Provided*,
30 That conversations between the offender and the person
31 supervising the offender may be recorded solely for purpose of
32 voice identification.

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



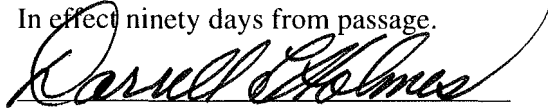
Chairman Senate Committee



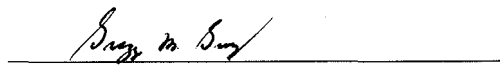
Chairman House Committee

Originating in the House.

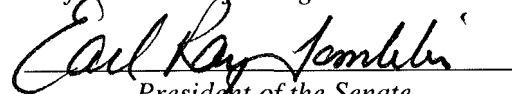
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

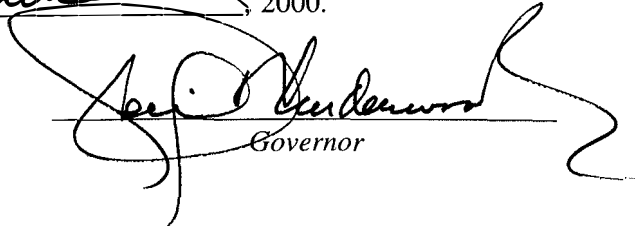


President of the Senate



Speaker of the House of Delegates

The within approved this the 19th
day of March, 2000.



Governor

PRESENTED TO THE

GOVERNOR

Date

3/11/00

Time

12:55pm