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FILED

2001 APR 26 P 12:43

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001

ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2243

(By Delegates Stemple, Fletcher, Williams and Shelton)

Passed April 14, 2001

In Effect Ninety Days from Passage

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H. B. 2243

(BY DELEGATES STEMPLER, FLETCHER, WILLIAMS AND SHELTON)

[Passed April 14, 2001; 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 generally to parole; violation of parole; procedures; conditions; restrictions; updating terms; and effecting release of persons upon approval of a home plan.

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

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

34 (c) When a parolee has violated the conditions of his or her
35 release on parole by confession to, or being convicted of any of

36 the crimes set forth in section eighteen of this article, he or she
37 shall be returned to the custody of the division of corrections to
38 serve the remainder of his or her maximum sentence, during
39 which remaining part of his or her sentence he or she shall be
40 ineligible for further parole.

41 (d) Whenever the parole of a paroled prisoner has been
42 revoked, the commissioner shall upon receipt of the board's
43 written order of revocation, convey and transport the paroled
44 prisoner to a state correctional institution. A paroled prisoner
45 whose parole has been revoked shall remain in custody of the
46 sheriff until delivery to a corrections officer sent and duly
47 authorized by the commissioner for the removal of the paroled
48 prisoner to a state penal institution; the cost of confining such
49 paroled prisoner shall be paid out of the funds appropriated for
50 the division of corrections.

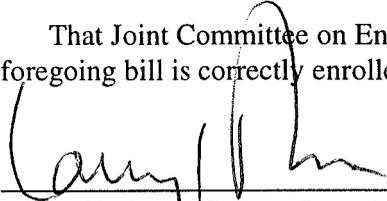
51 (e) When a paroled prisoner is convicted of, or confesses to,
52 any one of the crimes enumerated in section eighteen of this
53 article, it shall be the duty of the board to cause him or her to be
54 returned to this state for a summary hearing as provided by this
55 article. Whenever a parolee has absconded supervision, the
56 commissioner shall issue a warrant for his or her apprehension
57 and return to this state for the hearing provided for in this
58 article: *Provided*, That the board may, if it be of opinion the
59 best interests of justice do not require revocation, cause the
60 paroled absconder to be reinstated to parole.

61 (f) A warrant filed by the commissioner shall stay the
62 running of his or her sentence until the parolee is returned to the
63 custody of the division of corrections and physically in the state
64 of West Virginia.

65 (g) Whenever a parolee, who has absconded supervision or
66 has been transferred out of this state for supervision pursuant to
67 section one, article six, chapter twenty-eight of this code is

68 returned to West Virginia due to a violation of parole and costs
69 are incurred by the division of corrections, the commissioner
70 may assess reasonable costs from the parolee's inmate funds or
71 the parolee as reimbursement to the division of corrections for
72 the costs of returning him or her to the state of West Virginia.

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



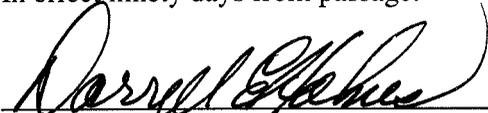
Chairman Senate Committee



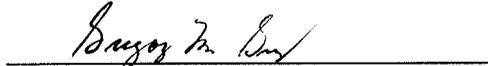
Chairman House Committee

Originating in the House.

In effect ninety days from passage.



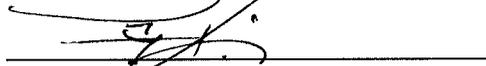
Clerk of the Senate



Clerk of the House of Delegates

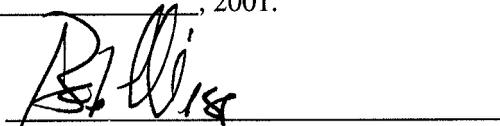


President of the Senate



Speaker of the House of Delegates

The within is approved this the 25th
day of April, 2001.



Governor

PRESENTED TO THE
GOVERNOR

Date 4/23/01

Time 6:40 pm