

SB 613

FILED

2002 APR -3 P 8:11

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002

ENROLLED

SENATE BILL NO. 613

(By Senator Wooten, et al)

PASSED March 9, 2002

In Effect 90 days from Passage

FILED

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Senate Bill No. 613

(BY SENATORS WOOTON, BURNETTE, CALDWELL, FANNING,
HUNTER, KESSLER, MINARD, MITCHELL, OLIVERIO, REDD,
ROSS, ROWE, DEEM, FACEMYER AND MCKENZIE)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section twelve, article eleven-b, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to clarifying role of court and probation officers when persons are paroled from home incarceration; and clarifying rights and responsibilities of those on parole from home incarceration.

Be it enacted by the Legislature of West Virginia:

That section twelve, 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-12. Supervision of home incarceration by circuit court.

1 (a) Notwithstanding any provision of this code to the
2 contrary, in any case where a person has been ordered to
3 home incarceration where that person is not in the custody
4 or control of the division of corrections, the circuit court
5 shall have the authority of the board of probation and
6 parole regarding the release, early release or release on
7 parole of the person.

8 (b) Any person paroled from a sentence of home incar-
9 ceration imposed by the provisions of this article shall be
10 supervised by the probation office of the sentencing court.
11 If at any time during the period of parole there is reason-
12 able cause to believe that the person paroled has violated
13 the terms and conditions of his or her parole, he or she
14 shall be subject to the procedures and penalties set forth in
15 section ten, article twelve of this chapter. If at any time
16 during the period of parole from home incarceration there
17 is reasonable cause to believe that the person paroled has
18 violated the terms and conditions of his or her parole and
19 the home incarceration was imposed as an alternative
20 sentence to another form of incarceration, he or she shall
21 be subject to the same penalty or penalties as he or she
22 could have received at the initial disposition hearing.
23 Time served on parole granted shall be credited for time
24 served toward any remainder of the maximum sentence in
25 the event of parole revocation: *Provided*, That time served
26 on parole from home incarceration may not be credited
27 towards any reduction of sentence for good conduct
28 towards any remainder of the maximum sentence in the
29 event of parole revocation.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated 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 *is approved* this the *3rd*
Day of *April*, 2002.
[Signature]
Governor

PRESENTED TO THE

COMMISSION

Date 3/25/02

Time 11:30am