WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED

SENATE BILL NO. 317

(By Senator Love, et al)

PASSED March 13, 2004

In Effect July 1, 2004
ENROLLED

Senate Bill No. 317

(BY SENATORS LOVE, HUNTER, WHITE, MCKENZIE AND ROWE)

[Passed March 13, 2004; to take effect July 1, 2004.]

AN ACT to amend and reenact §62-12-17 of the code of West Virginia, 1931, as amended, relating to allowing the commissioner of the division of corrections to increase the parolee supervision fee to forty dollars.

Be it enacted by the Legislature of West Virginia:

That §62-12-17 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-17. Conditions of release on parole.

1 (a) Release and supervision on parole of any person,
2 including the supervision by the division of corrections of
3 any person paroled by any other state or by the federal
4 government, shall be upon the following conditions:
5 (1) That the parolee may not, during the period of his or
6 her parole, violate any criminal law of this or any other
7 state or of the United States;
(2) That he or she may not, during the period of his or her parole, leave the state without the consent of the division;

(3) That he or she shall comply with the rules prescribed by the division for his or her supervision by the parole officer;

(4) That in every case in which the parolee for a conviction is seeking parole from an offense against a child, defined in section twelve, article eight, chapter sixty-one of this code; or article eight-b or eight-d of said chapter, or similar convictions from other jurisdictions where the parolee is returning or attempting to return to this state pursuant to the provisions of article six, chapter twenty-eight of this code, the parolee may not live in the same residence as any minor child nor exercise visitation with any minor child nor may he or she have any contact with the victim of the offense; and

(5) That the parolee, and all federal or foreign state probationers and parolees whose supervision may have been undertaken by this state, is required to pay a fee, based on his or her ability to pay, not to exceed forty dollars per month to defray costs of supervision.

(b) The commissioner shall keep a record of all actions taken and account for moneys received. No provision of this section prohibits the division from collecting the fees and conducting the checks upon the effective date of this section. All moneys shall be deposited in a special account in the state treasury to be known as the “Parolee’s Supervision Fee Fund”. Expenditures from the fund shall be for the purposes of providing parole supervision required by the provisions of this code and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon the fulfillment of the provisions set forth in article two, chapter five-a of this code. Amounts collected
which are found, from time to time, to exceed the funds
needed for purposes set forth in this article may be trans-
ferred to other accounts or funds and redesignated for
other purposes by appropriation of the Legislature.

(c) The division shall consider the following factors in
determining whether a parolee or probationer is finan-
cially able to pay the fee:

(1) Current income prospects for the parolee or proba-
tioner, taking into account seasonal variations in income;

(2) Liquid assets of the parolee or probationer, assets of
the parolee or probationer that may provide collateral to
obtain funds and assets of the parolee or probationer that
may be liquidated to provide funds to pay the fee;

(3) Fixed debts and obligations of the parolee or proba-
tioner, including federal, state and local taxes and medical
expenses;

(4) Child care, transportation and other reasonably
necessary expenses of the parolee or probationer related to
employment; and

(5) The reasonably foreseeable consequences for the
parolee or probationer if a waiver of, or reduction in, the
fee is denied.

(d) In addition, the division may impose, subject to
modification at any time, any other conditions which the
division considers advisable.
Enr. S. B. No. 317]

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

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 2004.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 5th Day of April, 2004.

Governor
PRESENTED TO THE GOVERNOR

Date 4.1.04
Time 10:00 AM