WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009

ENROLLED

COMMITTEE SUBSTITUTE FOR
House Bill No. 3305

(By Delegates Webster, Caputo, Frazier, Hutchins, Kominar, Miley, Moore and Staggers)

Passed April 10, 2009

In Effect Ninety Days from Passage
AN ACT to amend and reenact §62-12-6 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of probation officers; authorizing probation officers to arrest persons who violate conditions of probation or supervised release; eliminating the authority of probation officers to collect money; eliminating the requirement that probation officers post bond; and specifying the manner in which probation officers may exercise the power to arrest probationers and persons under their supervision.

Be it enacted by the Legislature of West Virginia:

That §62-12-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

(a) Each probation officer shall investigate all cases which the court refers to the officer for investigation and shall report in writing on each case. The probation officer shall furnish to each person released on probation under the officer’s supervision a written statement of the probationer’s conditions of probation together with a copy of the rules prescribed by the court for the supervision of probationers. The probation officer shall stay informed concerning the conduct and condition of each probationer under the officer’s supervision and shall report on the conduct and condition of each probationer in writing as often as the court requires. The probation officer shall use all practicable and suitable methods to aid and encourage the probationer to improve his or her conduct and condition. The probation officer shall maintain detailed work records and shall perform any other duties the court requires. The probation officer has authority, with or without an order or warrant, to arrest any probationer as provided in section ten of this article, and to arrest any person on supervised release when there is reasonable cause to believe that the person on supervised release has violated a condition of release. A person on supervised release so arrested shall be brought before the court for a prompt and summary hearing.

(b) Notwithstanding any provision of this code to the contrary:

(1) Any probation officer appointed on or after July 1, 2002, may carry handguns in the course of the officer’s official duties after meeting specialized qualifications established by the Governor's Committee on Crime, Delinquency and Correction, which qualifications shall include the successful completion of handgun training, including a minimum of four hours’ training in handgun safety and comparable to the handgun training provided to law-enforcement officers by the West Virginia State Police.
(2) Probation officers may only carry handguns in the course of their official duties after meeting the specialized qualifications set forth in subdivision (1) of this subsection.

(3) Nothing in this subsection includes probation officers within the meaning of law-enforcement officers as defined in section one, article twenty-nine, chapter thirty of this code.
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 30th day of April, 2009.

Governor
PRESENTED TO THE GOVERNOR

APR 29 2009

Time [Signature]