

SB 760

FILED

2009 APR 21 PM 4: 49

WEST VIRGINIA LEGISLATURE

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2009



ENROLLED

Senate Bill No. 760

(BY SENATORS KESSLER, BROWNING, FOSTER,
JENKINS, LAIRD, MINARD, OLIVERIO, PALUMBO,
SNYDER, STOLLINGS, WILLIAMS, YOST, BARNES,
CARUTH, DEEM AND HALL)

[Passed April 7, 2009; in effect ninety days from passage.]

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BARNES, CARUTH, DEEM AND HALL)

[Passed April 7, 2009; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-28, relating to authorizing the Supreme Court of Appeals to establish up to five pretrial release programs throughout the state utilizing existing probation offices and day-report centers to reduce jail population while ensuring public safety.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §62-12-28, to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-28. Authorizing Supreme Court to develop pilot pre-trial release programs.

1 (a) The West Virginia Supreme Court of Appeals is
2 hereby authorized to develop pilot pretrial release pro-
3 grams in up to five circuits with the aim of reducing
4 regional jail populations of short-term detainees while
5 ensuring the safety of law-abiding citizens.

6 (b) The programs authorized by subsection (a) of this
7 section shall be available only to persons charged with
8 misdemeanors and nonviolent felonies.

9 (c) Any program developed pursuant to this section shall
10 require input from arresting officers and shall allow for
11 telephone authorization by magistrates of a charged
12 person's participation.

13 (d) In developing the pilot programs in the state for
14 examples of successful practices authorized by this section
15 the court is requested to review any existing programs.

16 (e) The provisions of this section shall be in effect for
17 three years from the effective date of this section.

18 (f) The Supreme Court of Appeals is hereby requested to
19 provide annual reports to the President of the Senate and
20 the Speaker of the House of Delegates as to the efficacy of
21 the programs.

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 *21st*
Day of *April*, 2009.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 20 2009

Time

9:49am