

HB 2933

FILED

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SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2013



**ENROLLED**

**House Bill No. 2933**

(By Delegate(s) L. Phillips, P. Smith, Marcum,  
Barill, White, Moye, Skinner and Poore)



Passed April 13, 2013

In effect ninety days from passage.

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DEPARTMENT OF STATE

**E N R O L L E D**

**H. B. 2933**

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(BY DELEGATE(S) L. PHILLIPS, P. SMITH, MARCUM,  
BARILL, WHITE, MOYE, SKINNER AND POORE)

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AN ACT to amend and reenact §62-12-23 of the Code of West Virginia, 1931, as amended, relating to the Parole Board's duty to notify prosecuting attorneys and circuit judges of an offender's release and the grounds therefor.

*Be it enacted by the Legislature of West Virginia:*

That §62-12-23 the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows:

**ARTICLE 12. PROBATION AND PAROLE.**

**§62-12-23. Notification of parole hearing; victim's right to be heard; notification of release on parole.**

- 1 (a) Following the sentencing of a person who has been
- 2 convicted of murder, aggravated robbery, sexual assault in the
- 3 first or second degree, kidnapping, child abuse resulting in

4 injury, child neglect resulting in injury, arson or a sexual offense  
5 against a minor, the prosecuting attorney who prosecuted the  
6 offender shall prepare a Parole Hearing Notification Form. This  
7 form shall contain the following information:

8 (1) The name of the county in which the offender was  
9 prosecuted and sentenced;

10 (2) The name of the court in which the offender was  
11 prosecuted and sentenced;

12 (3) The name of the prosecuting attorney or assistant  
13 prosecuting attorney who prosecuted the offender;

14 (4) The name of the judge who presided over the criminal  
15 case and who sentenced the offender;

16 (5) The names of the law-enforcement agencies and officers  
17 who were primarily involved with the investigation of the crime  
18 for which the offender was sentenced; and

19 (6) The names, addresses and telephone numbers of the  
20 victims of the crime for which the offender was sentenced or the  
21 names, addresses and telephone numbers of the immediate  
22 family members of each victim of the crime, including, but not  
23 limited to, each victim's spouse, father, mother, brothers, sisters  
24 and any adult household member residing with the victim.

25 (b) The prosecuting attorney shall retain the original of the  
26 Parole Hearing Notification Form and shall provide copies of it  
27 to the circuit court which sentenced the offender, the Parole  
28 Board, the Commissioner of Corrections and to all persons  
29 whose names and addresses are listed on the form.

30 (c) At least forty-five days prior to the date of a parole  
31 hearing, the Parole Board shall notify all persons who are listed  
32 on the Parole Hearing Notification Form, including the circuit  
33 court which sentenced the offender and office of the prosecuting

34 attorney that prosecuted the offender, of the date, time and place  
35 of the hearing. Such notice shall be sent by certified mail, return  
36 receipt requested. The notice shall state that the victims of the  
37 crime have the right to submit a written statement to the Parole  
38 Board and to attend the parole hearing to be heard regarding the  
39 propriety of granting parole to the prisoner. The notice shall also  
40 state that only the victims may submit written statements and  
41 speak at the parole hearing unless a victim is deceased, is a  
42 minor or is otherwise incapacitated.

43 (d) The panel considering the parole shall inquire during the  
44 parole hearing as to whether the victims of the crime or their  
45 representatives, as provided in this section, are present. If so, the  
46 panel shall permit those persons to speak at the hearing  
47 regarding the propriety of granting parole for the prisoner.

48 (e) If the panel grants parole, it shall immediately set a date  
49 on which the prisoner will be released. Such date shall be no  
50 earlier than thirty days after the date on which parole is granted.  
51 On the date on which parole is granted, the Parole Board shall  
52 notify all persons listed on the Parole Hearing Notification Form,  
53 including the circuit court which sentenced the offender and  
54 office of the prosecuting attorney that prosecuted the offender,  
55 that parole has been granted and the date of release. This notice  
56 shall be sent by certified mail, return receipt requested. A written  
57 statement of reasons for releasing the prisoner, prepared pursuant  
58 to subsection (b), section thirteen of this article, shall be  
59 provided upon request to all persons listed on the Parole Hearing  
60 Notification Form, including the circuit court which sentenced  
61 the offender and office of the prosecuting attorney that  
62 prosecuted the offender.

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

*Donny Wells*

Chairman, House Committee

*Rocky Filgar*  
Member ~~Chairman~~ Senate Committee

Originating in the House.

In effect ninety days from passage.

*Gregg M. S.*

Clerk of the House of Delegates

*Joseph M. Minard*

Clerk of the Senate

*[Signature]*  
Speaker of the House of Delegates

*[Signature]*  
President of the Senate

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The within is approved this the 29th  
day of April, 2013.

*Earl Ray Tomblin*  
Governor

**PRESENTED TO THE GOVERNOR**

**APR 29 2013**

**Time** 10:15 am