

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

SB 375



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 375

(SENATOR TRUMP, *ORIGINAL SPONSOR*)

[PASSED MARCH 6, 2015; IN EFFECT FROM PASSAGE.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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(SENATOR TRUMP, ORIGINAL SPONSOR)

[Passed March 6, 2015; in effect from passage.]

AN ACT to amend and reenact §62-12-23 of the Code of West Virginia, 1931, as amended, relating to specifying who receives notice of parole hearings via regular or certified mail.

Be it enacted by the Legislature of West Virginia:

That §62-12-23 of 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
3 the first or second degree, kidnaping, child abuse resulting in
4 injury, child neglect resulting in injury, arson or a sexual
5 offense against a minor, the prosecuting attorney who
6 prosecuted the offender shall prepare a Parole Hearing
7 Notification Form. This form shall contain the following
8 information:

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

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

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

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

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

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

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

32 (c) At least forty-five days prior to the date of a parole
33 hearing, the Parole Board shall notify all persons who are
34 listed on the Parole Hearing Notification Form, including the
35 circuit court which sentenced the offender and office of the
36 prosecuting attorney that prosecuted the offender, of the date,
37 time and place of the hearing. Such notice to law-

38 enforcement agencies and officers who were primarily
39 involved with the investigation of the crime for which the
40 offender was sentenced shall be sent by regular mail, properly
41 addressed and postage prepaid. Notice to the prosecuting
42 attorney who prosecuted the offender, the judge who presided
43 over the criminal case and sentencing of the offender and
44 victims of the crime for which the offender was sentenced or
45 the immediate family members of each victim of the crime
46 shall be sent by certified mail, return receipt requested. The
47 notice shall state that the victims of the crime have the right
48 to submit a written statement to the Parole Board and to
49 attend the parole hearing to be heard regarding the propriety
50 of granting parole to the prisoner. The notice shall also state
51 that only the victims may submit written statements and
52 speak at the parole hearing unless a victim is deceased, is a
53 minor or is otherwise incapacitated.

54 (d) The panel considering the parole shall inquire during
55 the parole hearing as to whether the victims of the crime or
56 their representatives, as provided in this section, are present.
57 If so, the panel shall permit those persons to speak at the
58 hearing regarding the propriety of granting parole for the
59 prisoner.

60 (e) If the panel grants parole, it shall immediately set a
61 date on which the prisoner will be released. Such date shall
62 be no earlier than thirty days after the date on which parole
63 is granted. On the date on which parole is granted, the Parole
64 Board shall notify all persons listed on the Parole Hearing
65 Notification Form, including the circuit court which
66 sentenced the offender and office of the prosecuting attorney
67 that prosecuted the offender, that parole has been granted and
68 the date of release. This notice shall be sent by the method
69 prescribed in subsection (c) of this section. A written
70 statement of reasons for releasing the prisoner, prepared
71 pursuant to subsection (b), section thirteen of this article,

72 shall be provided upon request to all persons listed on the
73 Parole Hearing Notification Form, including the circuit court
74 which sentenced the offender and office of the prosecuting
75 attorney that prosecuted the offender.

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

Mark P. Maynard
.....
Chairman Senate Committee

John B. Mc
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Clark Banner
.....
Clerk of the Senate

Scott J. Armit
.....
Clerk of the House of Delegates

Will P. De
.....
President of the Senate

Charles E. Mc
.....
Speaker of the House of Delegates

The within *is approved* this the *13th*
March
Day of, 2015.

Carl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 10 2015

Time 3:13 PM