

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 455**

**FILED**  
2017 APR 11 P 3:35  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SENATORS TRUMP, WELD, MILLER AND GAUNCH, *original sponsors*

[Passed April 1, 2017; in effect 90 days from passage]

SB 455

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1 AN ACT to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended, relating  
 2 generally to commitment of persons to the custody of the Commissioner of Corrections;  
 3 updating the commitment order form sentencing courts are required to complete when  
 4 committing a person to the custody of the Commissioner of Corrections; requiring that the  
 5 commitment order contain certain information; and clarifying that the circuit clerk of the  
 6 court is required to transmit certified copies of the commitment order to the Commissioner  
 7 of the Division of Corrections and the West Virginia Regional Jail Authority upon entry.

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

1 That §62-7-10 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 7. EXECUTION OF SENTENCES; STAYS.**

**§62-7-10. Commitment paper.**

1 The clerk of a court in which a person is sentenced to serve a period of incarceration in a  
 2 state correctional facility shall transmit to the Commissioner of the Division of Corrections and the  
 3 West Virginia Regional Jail Authority a certified commitment order same as, or similar to, the form  
 4 provided in this section. If a commitment order in a form other than the one provided in this  
 5 section is issued, the commitment order is required, at a minimum, to contain the same  
 6 information.

7 IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

8 State of West Virginia

9 v. \_\_\_\_\_ circuit court Case No. \_\_\_\_\_

10 Defendant: \_\_\_\_\_

11 DOB: \_\_\_\_\_ SSN: XXX-XX-\_\_\_\_ Gender: \_\_\_\_ Male/ \_\_\_\_ Female

12 WEST VIRGINIA DIVISION OF CORRECTIONS CERTIFIED COMMITMENT ORDER

13 On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the State of West Virginia, by  
14 \_\_\_\_\_, and the defendant appeared in person and with  
15 counsel,\_\_\_\_\_.

16 The defendant has been convicted of the following offense(s):  
17

18 The defendant is committed to the custody of the Commissioner of Corrections for a  
19 period of:  
20

21 Conviction Date: \_\_\_\_\_ Sentence Date: \_\_\_\_\_

22 Effective Sentence Date: \_\_\_\_\_ Resentence Date: \_\_\_\_\_

23 Consecutive to: \_\_\_\_\_ Concurrent with:  
24

25 Credit for Jail/Prison Time Served: \_\_\_\_\_ days Credit for Home Incarceration: \_\_\_\_\_ days

26 Credit for Home Incarceration Parole: \_\_\_\_\_ days Other NonPenal Credit: \_\_\_\_\_ days

27 Additionally, the court finds:  
28

29 The defendant shall be transported to and held in a West Virginia Regional Jail Authority  
30 facility until transfer into the physical custody of the Commissioner. The court further orders that  
31 the cost of incarceration in the regional jail pending transfer shall be paid by the Commissioner  
32 from the date of entry of this order forward.

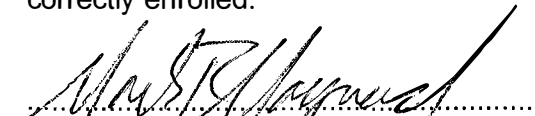
33 Special Instructions: \_\_\_\_\_  
34

35 It is further ordered that the Circuit Clerk shall forthwith transmit a certified copy of this  
36 commitment order to the West Virginia Regional Jail Authority and to the Central Office Inmate  
37 Records Manager of the Division of Corrections by facsimile at (fax number) or by mail at (street  
38 address).

39 Enter this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.  
40

Circuit Judge

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

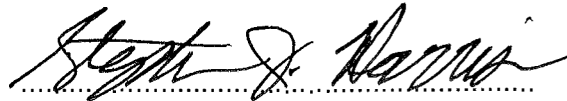
  
.....  
Chairman, Senate Committee

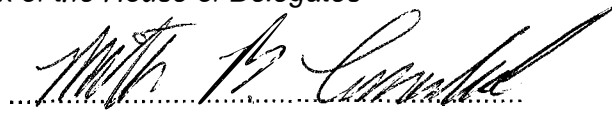
  
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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

  
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Clerk of the Senate

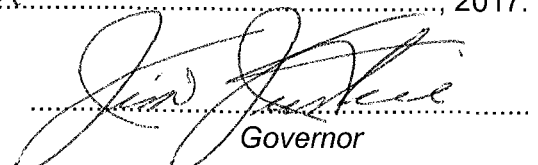
  
.....  
Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within *is approved*..... this the *11th*.....  
Day of *April*....., 2017.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

APR 06 2017

Time 3:09 pm