WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 437

BY SENATORS TRUMP, LINDSAY, STOLLINGS, CLEMENTS, AND ROMANO

[Passed February 7, 2022; in effect from passage]
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[Passed February 7, 2022; in effect from passage]
AN ACT to amend and reenact §62-12-18 of the Code of West Virginia, 1931, as amended,
relating to granting early discharge to parolees after a minimum of one-year on parole;
authorizing the Commissioner of the Division of Corrections and Rehabilitation or his or
her designee to request early discharge of a parolee; and providing that the chairperson
of the parole board grant early discharge from parole for a parolee upon review of the
request for early discharge rather than the decision being made by a panel of the parole
board.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. PROBATION AND PAROLE.


The period of parole shall be the maximum of any sentence, less deductions for good
conduct and work as provided by law, for which the paroled inmate, at the time of release, was
subject to imprisonment under his or her definite or indeterminate sentence, as the case may be:
Provided, That at any time after a parolee has been on parole for a minimum of one-year from
the date of his or her release, the Commissioner of the Division of Corrections and Rehabilitation,
or his or her designee, may submit a request to the chairperson of the parole board for a parolee’s
early discharge from parole along with appropriate documentation as to the parolee’s good
conduct while on parole. The chairperson may, after a review of the request and submission from
the commissioner, or his or her designee, when in his or her judgment, the ends of parole have
been attained and the best interests of the state and the parolee will be served by the early
discharge, release the parolee from further supervision and discharge him or her from parole:
Provided, however, That an inmate sentenced to serve a life term of imprisonment and released
on parole may not be discharged from supervision and parole in a period less than five years from
the date of his or her release on parole.

A parolee who has violated the terms of his or her release on parole by confession to, or
being convicted of, in any state of the United States, the District of Columbia, or the territorial
possessions of the United States, the crime of treason, murder, aggravated robbery, first degree
sexual assault, second degree sexual assault, a sexual offense against a minor, incest, or
offenses with the same essential elements if known by other terms in other jurisdictions may not
be discharged from parole. A parolee serving a sentence in any correctional facility of another
state or the United States may, unless incarcerated for one of the above enumerated crimes, be
discharged from parole while serving his or her sentence in a correctional facility or be continued
on parole or returned to West Virginia as a parole violator, in the discretion of the parole board.
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 from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within ... approved ... this the ... 16t H.

Day of ... 2022.

[Signature]
Governor