

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 449

BY SENATORS TRUMP AND WOELFEL

[Passed February 7, 2022; in effect from passage]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2022 FEB 16 P 2:28

FILED

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1 AN ACT to amend and reenact §62-12-13c of the Code of West Virginia, 1931, as amended,
2 relating to clarifying that the Nonviolent Offense Parole Program is not available to
3 offenders who are serving a sentence aggregated either consecutively or concurrently
4 with an offense that is a crime of violence against a person or animal, as well as a felony
5 controlled substance offense, a felony firearm offense, nor a felony where the victim was
6 a minor child; and making the provisions of this section unavailable to those previously
7 released under the terms of this section from the same sentence.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-13c. Authority of commissioner to establish a nonviolent offense parole program.

1 (a) The commissioner may establish a nonviolent offense parole program for any inmate
2 of a state correctional facility in which an inmate may be paroled without action of the Parole
3 Board based upon objective standards as set forth in this section, to commence on July 1, 2021.

4 (b) Notwithstanding any provision of this code to the contrary, any inmate of a state
5 correctional facility is eligible for parole under the nonviolent offense parole program if:

6 (1) He or she has served at least the minimum term of his or her sentence and is eligible
7 for parole as determined by the parole board; and

8 (2) He or she qualifies for the nonviolent offense parole program as authorized by this
9 section.

10 (c) To qualify for the nonviolent offense parole program, the commissioner must determine
11 that the inmate:

12 (1) Is not serving a sentence for a crime of violence against the person, crime of violence
13 against an animal, or felony for a controlled substance offense which involves actual or threatened
14 violence to a person, a felony offense involving the use of a firearm, or a felony offense where the
15 victim was a minor child: *Provided*, That an inmate is ineligible to participate in the nonviolent

16 offense parole program if the sentence from which parole is being considered is aggregated,
17 concurrently or consecutively, with an offense determined disqualifying under this subdivision.

18 (2) Has successfully completed an individualized rehabilitation treatment program as
19 determined by the division;

20 (3) Has not previously been released on parole pursuant to this section from the same
21 sentence; and

22 (4) Has otherwise satisfied the requirements for parole eligibility set forth in §62-12-13 of
23 this code.

24 (d) Any person released under the nonviolent offense parole program is subject to all
25 conditions of release and sanctions for violations applicable to persons released on parole by the
26 Parole Board, and all parole revocations of persons granted parole pursuant to this section shall
27 be heard in accordance with the provisions of §62-12-19 of this code.

28 (e) The nonviolent offense parole program authorized by subsection (a) of this section
29 requires no action by the Parole Board as to the release decision if the inmate qualifies for the
30 program and has successfully completed his or her rehabilitation treatment program as
31 determined by the commissioner.

32 (f) The commissioner shall develop a policy directive setting forth the processes and
33 procedures to determine successful completion of the rehabilitation treatment program and to
34 provide notice to the inmate. If the inmate fails to successfully complete his or her rehabilitation
35 treatment program, his or her parole shall be determined in accordance with the provisions of
36 §62-12-13 of this code. An inmate who has been denied parole pursuant to the provisions of §62-
37 12-13 of this code and who thereafter successfully completes his or her rehabilitation treatment
38 program prior to his or her next parole review is eligible for release under the nonviolent offense
39 parole program within a reasonable time after he or she has successfully completed the program
40 as determined by the commissioner, provided the inmate remains qualified for release under the
41 nonviolent offense parole program.

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

Mark Raymond
.....
Chairman, Senate Committee

David Jeffrey
.....
Chairman, House Committee

Originated in the Senate.

In effect from passage.

Joe Linn
.....
Clerk of the Senate

Steve Harris
.....
Clerk of the House of Delegates

C. P. B.
.....
President of the Senate

Les Hunter
.....
Speaker of the House of Delegates

FILED
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

The within *is approved* this the *16th*
Day of *February*, 2022.

James Justice
.....
Governor

PRESENTED TO THE GOVERNOR

FEB 10 2022

Time 10:45 am