

SB 317

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED

SENATE BILL NO. 317

(By Senator LOVE, ET AL)

PASSED MARCH 13, 2004

In Effect July 1, 2004 Passage

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Senate Bill No. 317

(BY SENATORS LOVE, HUNTER, WHITE, MCKENZIE AND ROWE)

[Passed March 13, 2004; to take effect July 1, 2004.]

AN ACT to amend and reenact §62-12-17 of the code of West Virginia, 1931, as amended, relating to allowing the commissioner of the division of corrections to increase the parolee supervision fee to forty dollars.

Be it enacted by the Legislature of West Virginia:

That §62-12-17 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-17. Conditions of release on parole.

1 (a) Release and supervision on parole of any person,
2 including the supervision by the division of corrections of
3 any person paroled by any other state or by the federal
4 government, shall be upon the following conditions:

5 (1) That the parolee may not, during the period of his or
6 her parole, violate any criminal law of this or any other
7 state or of the United States;

8 (2) That he or she may not, during the period of his or
9 her parole, leave the state without the consent of the
10 division;

11 (3) That he or she shall comply with the rules prescribed
12 by the division for his or her supervision by the parole
13 officer;

14 (4) That in every case in which the parolee for a convic-
15 tion is seeking parole from an offense against a child,
16 defined in section twelve, article eight, chapter sixty-one
17 of this code; or article eight-b or eight-d of said chapter, or
18 similar convictions from other jurisdictions where the
19 parolee is returning or attempting to return to this state
20 pursuant to the provisions of article six, chapter
21 twenty-eight of this code, the parolee may not live in the
22 same residence as any minor child nor exercise visitation
23 with any minor child nor may he or she have any contact
24 with the victim of the offense; and

25 (5) That the parolee, and all federal or foreign state
26 probationers and parolees whose supervision may have
27 been undertaken by this state, is required to pay a fee,
28 based on his or her ability to pay, not to exceed forty
29 dollars per month to defray costs of supervision.

30 (b) The commissioner shall keep a record of all actions
31 taken and account for moneys received. No provision of
32 this section prohibits the division from collecting the fees
33 and conducting the checks upon the effective date of this
34 section. All moneys shall be deposited in a special account
35 in the state treasury to be known as the "Parolee's Super-
36 vision Fee Fund". Expenditures from the fund shall be for
37 the purposes of providing parole supervision required by
38 the provisions of this code and are not authorized from
39 collections but are to be made only in accordance with
40 appropriation by the Legislature and in accordance with
41 the provisions of article three, chapter twelve of this code
42 and upon the fulfillment of the provisions set forth in
43 article two, chapter five-a of this code. Amounts collected

44 which are found, from time to time, to exceed the funds
45 needed for purposes set forth in this article may be trans-
46 ferred to other accounts or funds and redesignated for
47 other purposes by appropriation of the Legislature.

48 (c) The division shall consider the following factors in
49 determining whether a parolee or probationer is finan-
50 cially able to pay the fee:

51 (1) Current income prospects for the parolee or proba-
52 tioner, taking into account seasonal variations in income;

53 (2) Liquid assets of the parolee or probationer, assets of
54 the parolee or probationer that may provide collateral to
55 obtain funds and assets of the parolee or probationer that
56 may be liquidated to provide funds to pay the fee;

57 (3) Fixed debts and obligations of the parolee or proba-
58 tioner, including federal, state and local taxes and medical
59 expenses;

60 (4) Child care, transportation and other reasonably
61 necessary expenses of the parolee or probationer related to
62 employment; and

63 (5) The reasonably foreseeable consequences for the
64 parolee or probationer if a waiver of, or reduction in, the
65 fee is denied.

66 (d) In addition, the division may impose, subject to
67 modification at any time, any other conditions which the
68 division considers advisable.

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.

To take effect July 1, 2004.

[Signature]
.....
Clerk of the Senate

[Signature]
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Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved this the 5th
Day of April, 2004.
[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 4.1.04

Time 10:00 AM