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OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

ENROLLED

Senate Bill No. 270

(BY SENATORS KESSLER, HUNTER AND UNGER)

[Passed March 4, 2008; in effect ninety days from passage.]

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AN ACT to amend and reenact §62-11A-1 of the Code of West Virginia, 1931, as amended, relating to eliminating obsolete language requiring circuit clerks to handle and disburse certain inmate moneys.

Be it enacted by the Legislature of West Virginia:

That §62-11A-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 11A. RELEASE FOR WORK AND OTHER PURPOSES.

§62-11A-1. Release for work and other purposes by courts of record with criminal jurisdiction.

1 (a) When a defendant is sentenced or committed for a
2 term of one year or less by a court of record having
3 criminal jurisdiction, the court may in its order grant to
4 the defendant the privilege of leaving the jail during
5 necessary and reasonable hours for any of the following
6 purposes:

7 (1) To work at his or her employment;

8 (2) To seek employment;

9 (3) To conduct his or her own business or to engage in
10 other self-employment, including housekeeping and
11 attending to the needs of his or her family;

12 (4) To attend an educational institution;

13 (5) To obtain medical treatment;

14 (6) To devote time to any other purpose approved of or
15 ordered by the court, including participation in the
16 litter control program of the county unless the court
17 specifically finds that this alternative service would be
18 inappropriate.

19 (b) Whenever an inmate who has been granted the
20 privilege of leaving the jail under this section is not
21 engaged in the activity for which the leave is granted, he
22 or she shall be confined in jail.

23 (c) An inmate sentenced to ordinary confinement may
24 petition the court at any time after sentence for the
25 privilege of leaving jail under this section and may
26 renew his or her petition in the discretion of the court.
27 The court may withdraw the privilege at any time by

28 order entered with or without notice.

29 (d) If the inmate has been granted permission to leave
30 the jail to seek or take employment, the court's
31 probation officers or, if none, the jail shall assist him or
32 her in obtaining suitable employment and in making
33 certain that employment already obtained is suitable.
34 Employment shall not be deemed suitable if the wages
35 or working conditions or other circumstances present a
36 danger of exploitation or of interference in a labor
37 dispute in the establishment in which the inmate would
38 be employed.

39 (e) An inmate who is serving his or her sentence
40 pursuant to this section shall be eligible for a reduction
41 of his or her term for good behavior and faithful
42 performance of duties in the same manner as if he or she
43 had served his or her term in ordinary confinement.

44 (f) The court shall not make an order granting the
45 privilege of leaving the institution under this section
46 unless it is satisfied that there are adequate facilities for
47 the administration of such privilege in the jail or other
48 institution in which the defendant will be confined.

49 (g) In every case wherein the defendant has been
50 convicted of an offense, defined in section twelve,
51 article eight, chapter sixty-one of this code or in article
52 eight-b or eight-d of said chapter against a child, the
53 defendant shall not live in the same residence as any
54 minor child, nor exercise visitation with any minor child
55 and shall have no contact with the victim of the offense:
56 *Provided*, That the defendant may petition the court of
57 the circuit wherein he or she was so convicted for a
58 modification of this term and condition of this

59 probation and the burden shall rest upon the defendant
60 to demonstrate that a modification is in the best interest
61 of the child.

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

Chandy White
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Carroll Atkins
.....
Clerk of the Senate

Bugs M. Smith
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

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

The within *is appended* this
the *20th* Day of *May*, 2008.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2008

Time 11:05am