

H. B. 2893

1
2
3
4
5
6
7
8
9

(By Delegates Manchin, Longstreth and Caputo)
[Introduced January 27, 2011; referred to the
Committee on the Judiciary.]

10 A BILL to amend and reenact §62-11B-12 of the Code of West
11 Virginia, 1931, as amended, relating to the Home Incarceration
12 Act; supervision of home incarceration by circuit court; and
13 providing that the sentencing court may transfer the
14 supervision of a person ordered to home confinement to the
15 probation office of another circuit for supervision.

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

17 That §62-11B-12 of the Code of West Virginia, 1931, as
18 amended, be amended and reenacted to read as follows:

19 **ARTICLE 11B. HOME INCARCERATION ACT.**

20 **§62-11B-12. Supervision of home incarceration by circuit court.**

21 (a) Notwithstanding any provision of this code to the
22 contrary, in any case where a person has been ordered to home
23 incarceration where that person is not in the custody or control of

1 the Division of Corrections, the circuit court shall have the
2 authority of the board of probation and parole regarding the
3 release, early release or release on parole of the person.

4 (b) Any person paroled from a sentence of home incarceration
5 imposed by the provisions of this article shall be supervised by
6 the probation office of the sentencing court: Provided, That the
7 sentencing court may order that the probation office of another
8 circuit supervise the sentence of home incarceration. If at any
9 time during the period of parole there is reasonable cause to
10 believe that the person paroled has violated the terms and
11 conditions of his or her parole, he or she shall be subject to the
12 procedures and penalties set forth in section ten, article twelve
13 of this chapter. If at any time during the period of parole from
14 home incarceration there is reasonable cause to believe that the
15 person paroled has violated the terms and conditions of his or her
16 parole and the home incarceration was imposed as an alternative
17 sentence to another form of incarceration, he or she shall be
18 subject to the same penalty or penalties as he or she could have
19 received at the initial disposition hearing. Time served on parole
20 granted shall be credited for time served toward any remainder of
21 the maximum sentence in the event of parole revocation: *Provided,*
22 *That time served on parole from home incarceration may not be*
23 *credited towards any reduction of sentence for good conduct towards*
24 *any remainder of the maximum sentence in the event of parole*

1 revocation.

NOTE: The purpose of this bill is to provide that the sentencing circuit court may transfer the supervision of a person ordered to home confinement to the probation office of another circuit for supervision.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.