

1 **ENROLLED**

2 **H. B. 2933**

3
4 (By Delegates L. Phillips, P. Smith, Marcum,
5 Barill, White, Moye, Skinner and Poore)

6
7 [Passed April 13, 2013; in effect ninety days from passage.]
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10 AN ACT to amend and reenact §62-12-23 of the Code of West Virginia,
11 1931, as amended, relating to the Parole Board's duty to
12 notify prosecuting attorneys and circuit judges of an
13 offender's release and the grounds therefor.

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

15 That §62-12-23 the Code of West Virginia, 1931, as amended, be
16 amended and reenacted, to read as follows:

17 **ARTICLE 12. PROBATION AND PAROLE.**

18 **§62-12-23. Notification of parole hearing; victim's right to be
19 heard; notification of release on parole.**

20 (a) Following the sentencing of a person who has been
21 convicted of murder, aggravated robbery, sexual assault in the
22 first or second degree, kidnapping, child abuse resulting in
23 injury, child neglect resulting in injury, arson or a sexual
24 offense against a minor, the prosecuting attorney who prosecuted

1 the offender shall prepare a Parole Hearing Notification Form.

2 This form shall contain the following information:

3 (1) The name of the county in which the offender was
4 prosecuted and sentenced;

5 (2) The name of the court in which the offender was prosecuted
6 and sentenced;

7 (3) The name of the prosecuting attorney or assistant
8 prosecuting attorney who prosecuted the offender;

9 (4) The name of the judge who presided over the criminal case
10 and who sentenced the offender;

11 (5) The names of the law-enforcement agencies and officers who
12 were primarily involved with the investigation of the crime for
13 which the offender was sentenced; and

14 (6) The names, addresses and telephone numbers of the victims
15 of the crime for which the offender was sentenced or the names,
16 addresses and telephone numbers of the immediate family members of
17 each victim of the crime, including, but not limited to, each
18 victim's spouse, father, mother, brothers, sisters and any adult
19 household member residing with the victim.

20 (b) The prosecuting attorney shall retain the original of the
21 Parole Hearing Notification Form and shall provide copies of it to
22 the circuit court which sentenced the offender, the Parole Board,
23 the Commissioner of Corrections and to all persons whose names and
24 addresses are listed on the form.

1 (c) At least forty-five days prior to the date of a parole
2 hearing, the Parole Board shall notify all persons who are listed
3 on the Parole Hearing Notification Form, including the circuit
4 court which sentenced the offender and office of the prosecuting
5 attorney that prosecuted the offender, of the date, time and place
6 of the hearing. Such notice shall be sent by certified mail,
7 return receipt requested. The notice shall state that the victims
8 of the crime have the right to submit a written statement to the
9 Parole Board and to attend the parole hearing to be heard regarding
10 the propriety of granting parole to the prisoner. The notice shall
11 also state that only the victims may submit written statements and
12 speak at the parole hearing unless a victim is deceased, is a minor
13 or is otherwise incapacitated.

14 (d) The panel considering the parole shall inquire during the
15 parole hearing as to whether the victims of the crime or their
16 representatives, as provided in this section, are present. If so,
17 the panel shall permit those persons to speak at the hearing
18 regarding the propriety of granting parole for the prisoner.

19 (e) If the panel grants parole, it shall immediately set a
20 date on which the prisoner will be released. Such date shall be no
21 earlier than thirty days after the date on which parole is granted.
22 On the date on which parole is granted, the Parole Board shall
23 notify all persons listed on the Parole Hearing Notification Form,
24 including the circuit court which sentenced the offender and

1 office of the prosecuting attorney that prosecuted the offender,
2 that parole has been granted and the date of release. This notice
3 shall be sent by certified mail, return receipt requested. A
4 written statement of reasons for releasing the prisoner, prepared
5 pursuant to subsection (b), section thirteen of this article, shall
6 be provided upon request to all persons listed on the Parole
7 Hearing Notification Form, including the circuit court which
8 sentenced the offender and office of the prosecuting attorney that
9 prosecuted the offender.