

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

Senate Bill No. 165

(By Senators Kessler (Mr. President) and Unger)

[Introduced February 15, 2013; referred to the Committee on the
Judiciary.]

A BILL to amend and reenact §62-12-7 of the Code of West Virginia,
1931, as amended, relating to requiring probation officers in
preparing a presentence report to calculate and identify the
financial costs to the county and the state of the different
forms of sentencing available to the court.

Be it enacted by the Legislature of West Virginia:

That §62-12-7 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

**§62-12-7. Preliminary investigation; report on prospective
probationers.**

When directed by the court, the probation officer shall make
a careful investigation of, and a written report with

1 recommendations concerning, any prospective probationer. Insofar
2 as practicable this report shall include information concerning the
3 offender's court and criminal record, occupation, family
4 background, education, habits and associations, mental and physical
5 condition, the names, relationship, ages and condition of those
6 dependent upon him or her for support and shall contain a list
7 showing the costs to the county and the state of the different
8 forms of sentencing available to the court and such other facts as
9 may aid the court in determining the propriety and conditions of
10 his or her release on probation. No person convicted of a felony
11 or of any offense described in article eight-b or eight-d, chapter
12 sixty-one of this code against a minor child may be released on
13 probation until this report shall have been presented to and
14 considered by the court. The court may in its discretion request
15 such a report concerning any person convicted of a misdemeanor.
16 The presentence report of any person convicted of an offense,
17 described in said articles or section twelve, article eight of said
18 chapter, may include a statement from a therapist, psychologist or
19 physician who is providing treatment to the child. A copy of all
20 reports shall be filed with the board of probation and parole.

NOTE: The purpose of this bill is to require the probation officer in preparing a presentence report to calculate the costs

associated with the potential different forms of sentencing that may be imposed by the court.

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