

H. B. 2565

(By Mr. Speaker, (Mr. Armstead) and Delegate Miley))

[By Request of the Executive]

[Introduced February 2, 2015; referred to the

Committee on Government Organization then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §15-9-1, §15-9-2, §15-9-3 and §15-9-5 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §15-9-6; to amend and reenact §15-9A-1, §15-9A-2 and §15-9A-3 of said code; to amend and reenact §15-9B-1 and §15-9B-2 of said code; to amend and reenact §30-29-2, §30-29-3, §30-29-4, §30-29-5, §30-29-6 and §30-29-7 of said code; and to amend and reenact §62-11C-2, §62-11C-3, §62-11C-4, §62-11C-6 and §62-11C-8 of said code, all relating to the reorganization of the Governor’s Committee on Crime, Delinquency and Correction and its subcommittees; continuing the Governor’s Committee on Crime, Delinquency and Correction and providing for membership, terms, and authority of the chair; requiring facility inspection in accordance with the Prison Rape Elimination Act; granting authority to the Governor’s Committee on Crime, Delinquency and Correction to establish bylaws, policies, and procedures; establishing responsibilities of the Governor’s Committee on Crime, Delinquency and Correction; stating legislative findings; designating a staffing agency for the Governor’s

1 Committee on Crime, Delinquency and Correction and providing authority and
 2 responsibilities; establishing duties of the director of the Governor's Committee on Crime,
 3 Delinquency and Correction; establishing membership criteria and subcommittee status of
 4 the Sexual Assault Forensic Examination Commission; establishing powers and duties of the
 5 Sexual Assault Forensic Examination Commission; establishing membership criteria and
 6 subcommittee status of the Law-Enforcement Professional Standards Subcommittee;
 7 establishing powers and duties of the Law-Enforcement Professional Standards
 8 Subcommittee; providing for uses of fees collected for the Law-Enforcement Professional
 9 Standards Subcommittee and authorizing adjustments of such fees by legislative rule;
 10 establishing the Community Corrections Subcommittee, membership, and authority; and
 11 making technical edits.

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

13 That §15-9-1, §15-9-2, §15-9-3 and §15-9-5, of the Code of West Virginia, 1931, as
 14 amended, be amended and reenacted; that said code be amended by adding thereto a new section,
 15 designated §15-9-6; that §15-9A-1, §15-9A-2 and §15-9A-3 of said code be amended and reenacted;
 16 that §15-9B-1 and §15-9B-2 of said code be amended and reenacted; that §30-29-2, §30-29-3, §30-
 17 29-4, §30-29-5, §30-29-6 and §30-29-7 of said code be amended and reenacted; and that §62-11C-2,
 18 §62-11C-3, §62-11C-4, §62-11C-6 and §62-11C-8 of said code be amended and reenacted, all to
 19 read as follows:

20 **CHAPTER 15. PUBLIC SAFETY.**

21 **ARTICLE 9. GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND**
 22 **CORRECTION.**

1 **§15-9-1. Governor’s Committee on Crime, Delinquency and Correction established;**
2 **Committee designated as state planning.**

3 (a) The Legislature hereby continues and reconstitutes the Governor’s Committee on Crime,
4 Delinquency and Correction.

5 (b) The committee is composed of the following members:

6 (1) The Secretary of the Department of Military Affairs and Public Safety, who shall serve
7 as chair;

8 (2) The chair of the juvenile justice subcommittee;

9 (3) The chair of the community corrections subcommittee created by section two, article
10 eleven-c, chapter sixty-two of this code;

11 (4) The chair of the law-enforcement professional standards subcommittee created by section
12 two, article twenty-nine, chapter thirty of this code;

13 (5) The chair of the sexual assault forensic examination commission created by section one,
14 article nine-b, chapter fifteen of this code;

15 (6) The Superintendent of the State Board of Education;

16 (7) A representative of a post-secondary education system in this state, to be appointed by
17 the Governor. This person shall be appointed on or before July 1, 2015, for an initial term of two
18 years, and then shall be appointed for subsequent terms of four years;

19 (8) A representative of a faith-based organization, to be appointed by the Governor. This
20 person shall be appointed on or before July 1, 2015, for an initial term of two years, and then shall
21 be appointed for subsequent terms of four years;

22 (9) The Administrative Director of the Supreme Court of Appeals, who shall serve as an ex

1 officio, nonvoting member;

2 (10) The Executive Director of the West Virginia Prosecuting Attorneys Institute, established
3 pursuant to section six, article four, chapter seven of this code; and

4 (11) The Executive Director of the West Virginia Public Defender Services, established
5 pursuant to section three, article twenty-one, chapter twenty-nine of this code.

6 (c) After initial appointment, members appointed by the Governor pursuant to subsection (b)
7 of this section shall serve for a term of four years from his or her appointment, and are eligible for
8 reappointment to that position. A person may not be appointed to the committee who is already a
9 member of the committee by virtue of his or her title or occupation.

10 (d) All members appointed to the committee shall serve until his or her successor has been
11 duly appointed.

12 (e) The Legislature hereby designates the Governor's Committee on Crime, Delinquency and
13 Correction committee on crime, delinquency and correction (established by Executive Order No.
14 7-A-66 and designated a state planning agency by Executive Order No. 14-68) as the state planning
15 agency required for participation by the State of West Virginia in programs provided for by the
16 Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 United States code, sections
17 3701 through 3796c, inclusive) and the Juvenile Justice and Delinquency Prevention Act of 1974,
18 as amended (42 United States code, section 5601).

19 (f) The chair of the Governor's Committee on Crime, Delinquency and Corrections shall:

20 (1) Appoint members and fill vacancies in the membership of the subcommittees in
21 accordance with the statutory provisions governing such appointments.

22 (2) Call meetings of the committee at least quarterly, and at such other times as he or she may

1 direct, or upon request of a majority of the members of the committee.

2 (g) The Director of the Division of Justice and Community Services shall serve as the
3 Executive Director of the Governor's Committee on Crime, Delinquency and Correction and of its
4 subcommittees, and the Division of Justice and Community Services shall provide staff support.

5 **§15-9-2. Facility inspection.**

6 The Governor's Committee on Crime, Delinquency and Correction or its designee shall
7 annually visit and inspect jails, detention facilities, correctional facilities, facilities which may hold
8 juveniles involuntarily or any other juvenile facility which may temporarily house juveniles on a
9 voluntary or involuntary basis for the purpose of compliance with standards promulgated by the
10 juvenile facilities standards commission, pursuant to section nine-a, article twenty, chapter thirty-one
11 of this code and with the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and
12 compliance with the Prison Rape Elimination Act, pursuant to 42 USC §15601, and related statutes
13 or regulations.

14 **§15-9-3. Ascertaining compliance with applicable standards in juvenile detention and**
15 **correctional facilities.**

16 The Governor's Committee on Crime, Delinquency and Correction or its designee shall
17 ascertain the compliance of juvenile detention and juvenile correctional facilities operated by or
18 under contract with the Division of Juvenile Services, created pursuant to section two, article five-e,
19 chapter forty-nine of this code, with standards for the structure, physical plant, operation and
20 maintenance of the facilities, promulgated by the juvenile facility standards commission, pursuant
21 to section nine-a, article twenty, chapter thirty-one of this code: *Provided*, That such review shall
22 not include educational programs in such facilities.

1 **§15-9-5. Authorization to adopt bylaws, policies and procedures, and to promulgate**
2 **legislative rules.**

3 ~~(a) The Governor's Committee on Crime, Delinquency and Correction may adopt and modify~~
4 ~~bylaws, policies, and procedures for the conduct of its meetings and the operation of the committee.~~

5 ~~The Governor's Committee on Crime, Delinquency and Correction may propose legislative rules,~~
6 ~~for legislative approval, pursuant to article three, chapter twenty-nine-a of this code, for purposes~~
7 ~~consistent with this act and any responsibilities assigned to it. shall develop and promulgate rules~~
8 ~~for state, county and municipal law-enforcement officers, law-enforcement agencies and~~
9 ~~communications and emergency operations centers that dispatch law-enforcement officers with~~
10 ~~regard to the identification, investigation, reporting and prosecution of suspected child abuse and~~
11 ~~neglect: *Provided*, That such rules and procedures must be consistent with the priority criteria~~
12 ~~prescribed by generally applicable department procedures.~~

13 ~~(b) The rules and the revisions thereof as provided in this section shall be proposed as~~
14 ~~legislative rules for legislative approval in accordance with article three chapter twenty-nine-a of this~~
15 ~~code.~~

16 ~~(c) Prior to the publication of proposed rules, the Governor's Committee on Crime,~~
17 ~~Delinquency and Correction shall convene a meeting or meetings of an advisory committee to assist~~
18 ~~in the development of the rules.~~

19 ~~(d) The advisory committee shall meet at least on a biennial basis to review the rules and to~~
20 ~~propose revisions as a result of changes in law or policy.~~

21 ~~(e) The advisory committee shall be composed of:~~

22 ~~(1) The Director of the Prosecuting Attorney's Institute or his or her designee;~~

1 ~~(2) The State Superintendent of the West Virginia State Police or his or her designee;~~

2 ~~(3) One representative of law enforcement with experience in investigating child abuse and~~
3 ~~neglect cases representing municipalities appointed by the Executive Director of the Governor's~~
4 ~~Committee on Crime, Delinquency and Correction;~~

5 ~~(4) One representative of law enforcement with experience in investigating child abuse and~~
6 ~~neglect cases representing counties appointed by the Executive Director of the Governor's~~
7 ~~Committee on Crime, Delinquency and Correction;~~

8 ~~(5) The Commissioner of the Bureau for Children and Families of the Department of Health~~
9 ~~and Human Resources or his or her designee;~~

10 ~~(6) A health care provider with pediatric experience and child abuse expertise;~~

11 ~~(7) The Director of the Division of Children's Services of the Administrative Office of the~~
12 ~~Courts or his or her designee, as a nonvoting member;~~

13 ~~(8) The Director of the West Virginia Child Advocacy Network or his or her designee;~~

14 ~~(9) The Director of the West Virginia Developmental Disabilities Council or his or her~~
15 ~~designee;~~

16 ~~(10) An individual representing communications and emergency operations centers that~~
17 ~~dispatch law-enforcement officers; and~~

18 ~~(11) Other persons or organizations who, in the discretion of the Executive Director of the~~
19 ~~Governor's Committee on Crime, Delinquency and Corrections have an interest in the rules:~~
20 ~~Provided, That the total number of the advisory committee may not exceed sixteen.~~

21 **§15-9-6. Other responsibilities of the committee.**

22 (a) The committee shall receive reports from the subcommittees, and direct those reports to

1 be filed with the Governor and the Joint Committee on Government and Finance on or before
2 September 30 of each year.

3 (b) The committee may direct by vote its executive director, staff, or any subcommittee to
4 perform tasks related to the purposes of this article, including seeking funding for programs and
5 grants, implementing criminal justice programs authorized by this code or rule, administering
6 funding and grants, researching findings and recommendations, coordinating resources, and any
7 other task or responsibility related to the purposes of this article.

8 **ARTICLE 9A. DIVISION OF JUSTICE AND COMMUNITY SERVICES.**

9 **§15-9A-1. Legislative findings.**

10 The West Virginia Division of Justice and Community Services is required to perform certain
11 administrative and executive functions related to the improvement of the criminal justice and
12 juvenile justice systems, and various component agencies of state and local government with
13 research and performance data, planning, funding and managing programs supported by federal and
14 state granted funds, and through its staff activities on behalf of the Governor's Committee on Crime,
15 Delinquency and Correction, to provide regulatory oversight of law enforcement training and
16 certification, community corrections programs established under the provisions of article eleven-c,
17 chapter sixty-two of this code, ~~and~~ the monitoring of facilities for compliance with juvenile detention
18 facilities standards established by state and federal law, and the Sexual Assault Forensic
19 Examination Commission created by article nine-b, chapter fifteen of this code. These administrative
20 and executive staffing functions are necessary to provide for planning and coordination of services
21 among the components of the criminal and juvenile justice systems, community corrections, and
22 sexual assault forensic examinations; program development and implementation; and administration

1 of grant funded programs emphasizing safety, prevention, coordination and the general enhancement
2 of the criminal justice system as a whole, as well as such other federal grant funded activities as the
3 Governor may from time to time designate for administration by the ~~Division~~ division.

4 **§15-9A-2. Division established; appointment of director.**

5 (a) The Division of Justice and Community Services is created. The purpose of the division
6 is to provide executive and administrative support to the Governor's Committee on Crime
7 Delinquency and Correction in the coordination of planning for the criminal justice system, to
8 administer federal and state grant programs assigned to it by the actions of the Governor or
9 Legislature, and to perform such other duties as the legislature may from time to time assign to the
10 division ~~Division~~. The division is the designated staffing agency for the Governor's Committee on
11 Crime, Delinquency and Correction, and all of its subcommittees. The division may apply for grants
12 and other funding from federal or state programs, foundations, corporations and organizations which
13 funding is consistent with its responsibilities and the purposes assigned to it or the subcommittees
14 it staffs. The Division of Justice and Community Services is hereby designated as the state
15 administrative agency responsible for criminal justice and juvenile justice systems, and various
16 component agencies of state and local government, for the planning and development of state
17 programs and grants which may be funded by federal, state or other allocations in the areas of
18 community corrections, law-enforcement training and compliance, sexual assault forensic
19 examinations, victim services, and juvenile justice.

20 (b) The director of the division shall be named by the Governor to serve at his will and
21 pleasure.

22 (c) The director of the division shall take and subscribe to an oath of office in conformity

1 with article IV, section five of the Constitution of the State of West Virginia.

2 **§15-9A-3. Duties and powers of the director.**

3 (a) The director is responsible for the control and supervision of the division.

4 (b) The director shall be charged with executive and administrative responsibility to: (i) Carry
5 out the specific duties imposed on the Governor's Committee on Crime, Delinquency and Correction
6 under the provisions of article nine, chapter fifteen; article twenty-nine, chapter thirty; and article
7 eleven-c, chapter sixty-two of this code; (ii) maintain appropriate liaison with federal, state and local
8 agencies and units of government, or combinations thereof, in order that all programs, projects and
9 activities for strengthening and improving law enforcement and the administration of criminal justice
10 may function effectively at all levels of government; ~~and~~ (iii) seek sources of federal grant assistance
11 programs that may benefit the state when authorized by the Governor and manage the dispersal of
12 those funds through grant contracts to sub-grantees in a manner consistent with state and federal law,
13 and with sound and accountable management practices for the efficient and effective use of public
14 funds; (iv) seek sources of program or grant assistance from foundations, corporations and
15 organizations which funding is consistent with its responsibilities and the purposes assigned to the
16 director, the Governor's Committee on Crime, Delinquency and Correction, and any of its
17 subcommittees; and (v) serve as the Executive Director of the Governor's Committee on Crime,
18 Delinquency and Correction and its subcommittees.

19 (c) The director may:

20 (1) Employ necessary personnel, assign them the duties necessary for the efficient
21 management and operation of the division;

22 (2) Work to bridge gaps between federal, state and local units of government, as well as

1 private/non-profit organizations and the general public;

2 (3) Provide staff assistance in the coordination of all facets of the criminal and juvenile
3 justice systems on behalf of the Governor's Committee on Crime Delinquency and Correction,
4 including, but not limited to, law enforcement, jails, corrections, community corrections, juvenile
5 justice, sexual assault forensic examinations, and victim services;

6 (4) Acquire criminal justice resources and coordinate the allocation of these resources to
7 state, local and not-for-profit agencies;

8 (5) Maintain a web based data base for all community correction programs;

9 ~~(6) Through the Criminal Justice Statistical Analysis Center, collect,~~ Collect, compile, and
10 analyze crime and justice data in the state, generating statistical and analytical products for criminal
11 justice professionals and policy makers to establish a basis for sound policy and practical
12 considerations for the criminal justice system and make such recommendations for system
13 improvement as may be warranted by such research, and contract with other persons, firms,
14 corporations or organizations to assist in these responsibilities;

15 (7) Receive and disburse federal and state grants and funding received from foundations,
16 corporations or other entities;

17 (8) Propose legislative rules for legislative approval pursuant to article three, chapter twenty-
18 nine-a of this code which may be necessary to fulfill the functions and responsibilities of the
19 Division of Justice and Community Services and the Governor's Committee on Crime, Delinquency
20 and Correction.

21 (d) Nothing in this chapter shall be construed as authorizing the division to undertake direct
22 operational responsibilities in law enforcement or the administration of criminal justice.

1 **ARTICLE 9B. SEXUAL ASSAULT EXAMINATION NETWORK.**

2 **§15-9B-1. Sexual Assault Forensic Examination Commission.**

3 (a) ~~There is created within The Governor's Committee on Crime, Delinquency and Correction~~
4 ~~the~~ The Sexual Assault Forensic Examination Commission is continued as a subcommittee of the
5 Governor's Committee on Crime, Delinquency and Correction. The purpose of the commission is
6 to establish, manage and monitor a statewide system to facilitate the timely and efficient collection
7 of forensic evidence in sexual assault cases. As used in this article, the word "commission" means
8 the "Sexual Assault Forensic Examination Commission."

9 (b) ~~The commission shall be chaired by the director of the Division of Justice and~~
10 ~~Community Service.~~ Membership on the commission shall consist of the following:

11 (1) A representative chosen from the membership of the West Virginia Prosecuting Attorneys
12 Association, who shall be chosen by the president of that organization;

13 (2) A representative chosen from the membership of the West Virginia Association of
14 Counties, who shall be chosen by the executive director of that organization;

15 (3) The Commissioner of the Bureau for Public Health, or his or her designee;

16 (4) A representative from the State Police Forensic Laboratory who shall be chosen by the
17 Superintendent of the West Virginia State Police;

18 (5) A representative from the membership of the West Virginia Child Advocacy Network;

19 (6) The President of the West Virginia Hospital Association, or his or her designee;

20 (7) A representative from the membership of the West Virginia Foundation for Rape and
21 Information Services, who shall be chosen by the state coordinator of that organization;

22 (8) A representative of the West Virginia University Forensic and Investigative Sciences

1 Program, who shall be chosen by the director of that program; and

2 (9) A representative of the Marshall University Forensic Science Center, who shall be chosen
3 by the director of that organization.

4 (c) If any of the representative organizations listed in subdivision (b) cease to exist, the
5 director of the Division of Justice and Community Services may select a person from a similar
6 organization.

7 (d) The director ~~may~~ shall appoint the following additional members of the commission: ~~as~~
8 ~~needed:~~

9 (1) An emergency room physician licensed to practice and practicing medicine in this state;

10 (2) A victim advocate from a rape crisis center employed in this state;

11 (3) A sexual assault nurse examiner who is engaged in an active practice within this state;

12 (4) A law-enforcement officer in this state with experience in sexual assault investigations;

13 (5) A health care provider with pediatric and child abuse expertise licensed in this state; and

14 (6) A director of a child advocacy center licensed and operating in this state.

15 (e) The commission shall establish mandatory statewide protocols for conducting sexual
16 assault forensic examinations, including designating locations and providers to perform forensic
17 examinations, establishing minimum qualifications and procedures for performing forensic
18 examinations and establishing protocols to assure the proper collection of evidence.

19 **§15-9B-2. Powers and duties of the commission.**

20 (a) The commission shall facilitate the recruitment and retention of qualified health care
21 providers that are properly qualified to conduct forensic examinations. The commission shall work
22 with county and regional officials to identify areas of greatest need and develop and implement

1 recruitment and retention programs to help facilitate the effective collection of evidence.

2 (b) The commission shall authorize minimum training requirements for providers conducting
3 exams and establish a basic standard of care for victims of sexual assault. The commission may
4 adopt necessary and reasonable requirements relating to establishment of a statewide training and
5 forensic examination system, including, but not limited to, developing a data collection system to
6 monitor adherence to established standards, assisting exam providers to receive training and support
7 services, advocating the fair and reasonable reimbursement to exam providers and facilitating
8 transportation services for victims to get to and from designated exam locations.

9 (c) The commission shall approve local plans for each area of the state on a county or
10 regional basis. If the commission deems necessary, it may add or remove a county or portion thereof
11 from a region to assure that all areas of the state are included in an appropriate local plan. Upon the
12 failure of any county or local region to propose a plan, the commission may implement a plan for
13 that county or region.

14 (d) Once a plan is approved by the commission, it can only be amended or otherwise altered
15 as provided by the rules authorized pursuant to subsection (e) of this section. Designated facilities
16 and organizations providing services shall give the commission thirty days advance notice of their
17 intent to withdraw from the plan. If there is a change of circumstances that would require a change
18 in a county or regional plan, the members of the local board and the state commission shall be
19 notified.

20 (e) The commission may adopt and modify bylaws, policies and procedures for the conduct
21 of its meetings and the operation of the committee. The commission may propose rules for legislative
22 approval, in accordance with article three, chapter twenty-nine-a of this code, as are necessary to

1 implement this article.

2 (f) The commission shall elect a chair and a vice chair, and such other officers as it deems
 3 necessary. Special meetings may be held upon the call of the chair, vice chair, or a majority of the
 4 members of the commission. A majority of the members of the commission present in person, by
 5 proxy or designation, or by electronic means constitutes a quorum.

6 (g) Any member appointed to the commission who is a written designated representative has
 7 the full rights of a member, including the right to vote, serve on subcommittees, or perform any other
 8 function.

9 (h) The commission may make recommendations to the Governor's Committee on Crime,
 10 Delinquency and Correction for legislation related to the commission's duties and responsibilities,
 11 or for research or studies by the Division of Justice and Community Services on topics related to the
 12 commission's duties and responsibilities.

13 **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

14 **ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.**

15 **§30-29-2. Law-enforcement professional standards subcommittee.**

16 (a) ~~The law-enforcement training subcommittee of the Governor's committee on crime,~~
 17 ~~delinquency and corrections is continued and renamed the Law-Enforcement Professional Standards~~
 18 ~~Subcommittee is continued as a subcommittee of the Governor's Committee on Crime, Delinquency~~
 19 ~~and Correction.~~ The subcommittee has the following responsibilities:

20 (1) Review and administer programs for qualification, training and certification of
 21 law-enforcement officers in the state; and

22 (2) Consider applications by law-enforcement officers whose certification is deemed inactive

1 as a result of his or her separation from employment with a law-enforcement agency.

2 (b) The subcommittee shall be comprised of eleven members ~~of the Governor's committee~~
3 including one representative of each of the following:

4 (1) West Virginia State Police;

5 (2) Law-enforcement section of the Department of Natural Resources;

6 (3) West Virginia Sheriffs' Association;

7 (4) West Virginia Association of Chiefs of Police;

8 (5) West Virginia Deputy Sheriffs' Association;

9 (6) West Virginia State Lodge Fraternal Order of Police;

10 (7) West Virginia Municipal League;

11 (8) West Virginia Association of County Officials;

12 (9) Human Rights Commission;

13 (10) West Virginia Troopers Association; and

14 (11) The public at large.

15 (c) The subcommittee shall elect a chairperson and a vice chairperson. Special meetings may
16 be held upon the call of the chairperson, vice chairperson or a majority of the members of the
17 subcommittee. A majority of the members of the subcommittee who are present in person, by proxy
18 or designation, or by electronic means constitutes a quorum. Any member appointed to the
19 subcommittee who is a written designated representative has the full rights of a member, including
20 the right to vote, serve on subcommittees, or perform any other function.

21 **§30-29-3. Duties of the subcommittee.**

22 (a) ~~Upon recommendation of the subcommittee, the Governor's committee~~ The subcommittee

1 shall, by or pursuant to rules proposed for legislative approval in accordance with article three,
2 chapter twenty-nine-a of this code:

3 (1) Provide funding for the establishment and support of law- enforcement training academies
4 in the state;

5 (2) Establish standards governing the establishment and operation of the law-enforcement
6 training academies, including regional locations throughout the state, in order to provide access to
7 each law-enforcement agency in the state in accordance with available funds;

8 (3) Establish minimum law-enforcement instructor qualifications;

9 (4) Certify qualified law-enforcement instructors;

10 (5) Maintain a list of approved law-enforcement instructors;

11 (6) Promulgate standards governing the training, firearms qualification and initial and
12 ongoing professional certification of law-enforcement officers and the entry-level law-enforcement
13 training curricula. These standards shall require satisfactory completion of a minimum of four
14 hundred classroom hours as promulgated by legislative rule, shall provide for credit to be given for
15 relevant classroom hours earned pursuant to training other than training at an established
16 law-enforcement training academy if earned within five years immediately preceding the date of
17 application for certification, and shall provide that the required classroom hours can be accumulated
18 on the basis of a part-time curricula spanning no more than twelve months, or a full- time curricula;

19 (7) Establish standards governing in-service law-enforcement officer training curricula and
20 in-service supervisory level training curricula;

21 (8) Certify organized criminal enterprise investigation techniques with a qualified anti-racial
22 profiling training course or module;

1 (9) Establish standards governing mandatory training to effectively investigate organized
2 criminal enterprises as defined in article thirteen, chapter sixty-one of this code, while preventing
3 racial profiling, as defined in section ten of this article, for entry level training curricula and for
4 law-enforcement officers who have not received such training as certified by the ~~Governor's~~
5 ~~committee~~ subcommittee as required in this section;

6 (10) Establish ~~no later than July 1, 2011,~~ procedures for implementation of a course in
7 investigation of organized criminal enterprises which includes an anti-racial training module to be
8 available on the Internet or otherwise to all law-enforcement officers. The procedures shall include
9 the frequency with which a law-enforcement officer shall receive training in investigation of
10 organized criminal enterprises and anti-racial profiling, and a time frame for which all
11 law-enforcement officers must receive such training: *Provided*, That all law-enforcement officers
12 in this state shall receive such training no later than July 1, 2012. In order to implement and carry
13 out the intent of this section, the ~~Governor's committee~~ subcommittee may promulgate emergency
14 rules pursuant to section fifteen, article three, chapter twenty-nine-a of this code;

15 (11) Certify or decertify or reactivate law-enforcement officers, as provided in sections five
16 and eleven of this article;

17 (12) Establish standards and procedures for the reporting of complaints and certain
18 disciplinary matters concerning law- enforcement officers and for reviewing the certification of law-
19 enforcement officers. These standards and procedures shall provide for preservation of records and
20 access to records by law- enforcement agencies and conditions as to how the information in those
21 records is to be used regarding an officer's law-enforcement employment by another law enforcement
22 agency;

1 (A) The subcommittee shall establish and manage a database that is available to all
2 law-enforcement agencies in the state concerning the status of any person's certification.

3 (B) Personnel or personal information not resulting in a criminal conviction is exempt from
4 disclosure pursuant to the provisions of chapter twenty-nine-b of this code.

5 (13) Seek supplemental funding for law-enforcement training academies from sources other
6 than the fees collected pursuant to section four of this article;

7 (14) Any responsibilities and duties as the Legislature may, from time to time, see fit to direct
8 to the subcommittee; ~~committee~~; and

9 (15) Submit, on or before September 30 of each year, to the Governor, the Speaker of the
10 House, the President of the Senate, and, upon request, to any individual members member of the
11 Legislature, a report on its activities during the previous year and an accounting of funds paid into
12 and disbursed from the special revenue account established pursuant to section four of this article.

13 (16) Develop and promulgate rules for state, county, and municipal law-enforcement officers,
14 law-enforcement agencies, and communications and emergency operations centers that dispatch law-
15 enforcement officers with regard to the identification, investigation, reporting, and prosecution of
16 suspected child abuse and neglect: *Provided*, That such rules and procedures must be consistent with
17 the priority criteria prescribed by generally applicable department procedures.

18 (17) Make recommendations to the Governor's Committee on Crime, Delinquency and
19 Correction for legislation related to the subcommittee's duties and responsibilities, or for research
20 or studies by the Division of Justice and Community Services on topics related to the
21 subcommittee's duties and responsibilities.

22 (b) In addition to the duties authorized and established by this section, the ~~Governor's~~

1 ~~committee~~ subcommittee may:

2 (1) Establish training to effectively investigate human trafficking offenses as defined in
3 article two, chapter sixty-one of this code, for entry level training curricula and for law- enforcement
4 officers who have not received such training as certified by the committee as required by this section;
5 and

6 (2) Establish procedures for the implementation of a course in investigation of human
7 trafficking offenses. The course may include methods of identifying and investigating human
8 trafficking and methods for assisting trafficking victims. In order to implement and carry out the
9 intent of this subdivision, the committee may promulgate emergency rules pursuant to section fifteen,
10 article three, chapter twenty-nine-a of this code.

11 **§30-29-4. Special revenue account -- Collections; disbursements; administrative expenses.**

12 (a) ~~Beginning on the effective date of this article, a~~ A \$2 fee shall be added to the usual court
13 costs of all criminal court proceedings involving violation of any criminal law of the state or any
14 county or municipality thereof, excluding violations of municipal parking ordinances, unless such
15 fee is later modified pursuant to legislative rule.

16 (b) ~~Beginning on the effective date of this article, a~~ A \$2 fee shall be added to the amount
17 of any cash or property bond posted for violation of any criminal law of the state or any county or
18 municipality thereof, excluding bonds posted solely for violation of municipal parking ordinances,
19 unless such fee is later modified pursuant to legislative rule. Upon forfeiture of such bond, the \$2
20 fee shall be deposited as provided in subsection (c) of this section.

21 (c) All fees collected pursuant to subsections (a) and (b) of this section shall be deposited in
22 a separate account by the collecting agency. Within ten calendar days following the beginning of

1 each calendar month, the collecting agency shall forward the amount deposited to the state treasurer.
 2 The treasurer shall deposit all fees so received to a special revenue account. Funds in the account
 3 shall be disbursed by the ~~Governor's committee, upon recommendation by the subcommittee,~~ for the
 4 funding of law-enforcement ~~training academies and programs~~ entry level training programs,
 5 professional development programs, the certification of law-enforcement officers, and to pay
 6 expenses of the Governor's Committee on Crime, Delinquency and Correction ~~committee~~ or the
 7 subcommittee in administering the provisions of this article, which expenses may not in any fiscal
 8 year exceed ~~ten~~ fifteen percent of the funds deposited to said special revenue account during that
 9 fiscal year.

10 (d) The fees established by this section may be modified by legislative rule as provided in
 11 section three of this article.

12 **§30-29-5. Certification requirements and power to decertify or reinstate.**

13 (a) Except as provided in subsections (b) and (g) below, a person may not be employed as
 14 a law-enforcement officer by any West Virginia law-enforcement agency or by any state institution
 15 of higher education or by the Public Service Commission of West Virginia on or after the effective
 16 date of this article unless the person is certified, or is certifiable in one of the manners specified in
 17 subsections (c) through (e) below, by the ~~Governor's committee~~ subcommittee as having met the
 18 minimum entry level law-enforcement qualification and training program requirements promulgated
 19 pursuant to this article: *Provided*, That the provisions of this section do not apply to persons hired
 20 by the Public Service Commission as motor carrier inspectors and weight enforcement officers
 21 before July 1, 2007.

22 (b) Except as provided in subsection (g) below, a person who is not certified, or certifiable

1 in one of the manners specified in subsections (c) through (e) below, may be conditionally employed
2 as a law-enforcement officer until certified: *Provided*, That within ninety calendar days of the
3 commencement of employment or the effective date of this article if the person is already employed
4 on the effective date, he or she makes a written application to attend an approved law-enforcement
5 training academy. The person's employer shall provide notice, in writing, of the ninety-day deadline
6 to file a written application to the academy within thirty calendar days of that person's
7 commencement of employment. The employer shall provide full disclosure as to the consequences
8 of failing to file a timely written application. The academy shall notify the applicant in writing of the
9 receipt of the application and of the tentative date of the applicant's enrollment. Any applicant who,
10 as the result of extenuating circumstances acceptable to his or her law-enforcement official, is unable
11 to attend the scheduled training program to which he or she was admitted may reapply and shall be
12 admitted to the next regularly scheduled training program. An applicant who satisfactorily completes
13 the program shall, within thirty days of completion, make written application to the ~~Governor's~~
14 ~~committee~~ subcommittee requesting certification as having met the minimum entry level
15 law-enforcement qualification and training program requirements. Upon determining that an
16 applicant has met the requirements for certification, the ~~Governor's committee~~ subcommittee shall
17 forward to the applicant documentation of certification. An applicant who fails to complete the
18 training program to which he or she is first admitted, or was admitted upon reapplication, may not
19 be certified by the ~~Governor's committee~~ subcommittee: *Provided, however*, That an applicant who
20 has completed the minimum training required by the ~~Governor's committee~~ subcommittee may be
21 certified as a law-enforcement officer, notwithstanding the applicant's failure to complete additional
22 training hours required in the training program to which he or she originally applied.

1 (c) Any person who is employed as a law-enforcement officer on the effective date of this
2 article and is a graduate of the West Virginia basic police training course, the West Virginia State
3 Police cadet training program, or other approved law-enforcement training academy, is certifiable
4 as having met the minimum entry level law-enforcement training program requirements and is
5 exempt from the requirement of attending a law-enforcement training academy. To receive
6 certification, the person shall make written application within ninety calendar days of the effective
7 date of this article to the ~~Governor's committee~~ subcommittee requesting certification. The
8 ~~Governor's committee~~ subcommittee shall review the applicant's relevant scholastic records and,
9 upon determining that the applicant has met the requirements for certification, shall forward to the
10 applicant documentation of certification.

11 (d) Any person who is employed as a law-enforcement officer on the effective date of this
12 article and is not a graduate of the West Virginia basic police training course, the West Virginia State
13 Police Cadet Training Program, or other approved law-enforcement training academy, is certifiable
14 as having met the minimum entry level law-enforcement training program requirements and is
15 exempt from the requirement of attending a law-enforcement training academy if the person has been
16 employed as a law-enforcement officer for a period of not less than five consecutive years
17 immediately preceding the date of application for certification. To receive certification, the person
18 shall make written application within ninety calendar days following the effective date of this article
19 to the ~~Governor's committee~~ subcommittee requesting certification. The application shall include
20 notarized statements as to the applicant's years of employment as a law-enforcement officer. The
21 ~~Governor's committee~~ subcommittee shall review the application and, upon determining that the
22 applicant has met the requirements for certification, shall forward to the applicant documentation

1 of certification.

2 (e) Any person who begins employment on or after the effective date of this article as a
3 law-enforcement officer is certifiable as having met the minimum entry level law-enforcement
4 training program requirements and is exempt from attending a law-enforcement training academy
5 if the person has satisfactorily completed a course of instruction in law enforcement equivalent to
6 or exceeding the minimum applicable law-enforcement training curricula promulgated by the
7 ~~Governor's committee~~ subcommittee. To receive certification, the person shall make written
8 application within ninety calendar days following the commencement of employment to the
9 ~~Governor's committee~~ subcommittee requesting certification. The application shall include a
10 notarized statement of the applicant's satisfactory completion of the course of instruction in law
11 enforcement, a notarized transcript of the applicant's relevant scholastic records, and a notarized copy
12 of the curriculum of the completed course of instruction. The ~~Governor's committee~~ subcommittee
13 shall review the application and, if it finds the applicant has met the requirements for certification
14 shall forward to the applicant documentation of certification. The subcommittee may set the
15 standards for required records to be provided by or on behalf of the applicant officer to verify his or
16 her training, status, or certification as a law-enforcement officer. The subcommittee may allow an
17 applicant officer to participate in the approved equivalent certification program to gain certification
18 as a law-enforcement officer in this state.

19 (f) Except as provided in subdivisions (1) through (3) below, any person who is employed
20 as a law-enforcement officer on or after the effective date of this article and fails to be certified shall
21 be automatically terminated and no further emoluments shall be paid to such officer by his or her
22 employer. Any person terminated shall be entitled to reapply, as a private citizen, to the

1 subcommittee for training and certification, and upon being certified may again be employed as a
2 law-enforcement officer in this state: *Provided*, That if a person is terminated under this subsection
3 because an application was not timely filed to the academy, and the person's employer failed to
4 provide notice or disclosure to that person as set forth in subsection (b) of this section, the employer
5 shall pay the full cost of attending the academy if the person's application to the subcommittee as a
6 private citizen is subsequently approved.

7 (1) Any person who is employed as a law-enforcement officer on or after the effective date
8 of this article and fails to be certified as a result of hardship and/or circumstance beyond his or her
9 control may apply to the director of a training academy for reentry to the next available academy.

10 (2) Any person who is employed as a law-enforcement officer on or after the effective date
11 of this article and fails to be certified as a result of voluntary separation from an academy program
12 shall be automatically terminated and no further emoluments may be paid to such officer by his or
13 her employer. Any person terminated as a result of voluntary separation from an academy program
14 may not be conditionally employed as a law-enforcement officer for a period of two years from the
15 date of voluntary separation.

16 (3) Any person who is employed as a law-enforcement officer on or after the effective date
17 of this article and fails to be certified as a result of dismissal from an academy program shall be
18 automatically terminated and no further emoluments may be paid to such officer by his or her
19 employer. Any person terminated as a result of dismissal from an academy program may not be
20 conditionally employed as a law-enforcement officer for a period of five years from the date of
21 dismissal and receiving approval from the subcommittee.

22 (g) Nothing in this article may be construed as prohibiting any governing body, Civil Service

1 Commission or chief executive of any West Virginia law-enforcement agency from requiring their
2 law-enforcement officers to meet qualifications and satisfactorily complete a course of
3 law-enforcement instruction which exceeds the minimum entry level law-enforcement qualification
4 and training curricula promulgated by the ~~Governor's committee~~ subcommittee.

5 (h) The ~~Governor's committee~~ subcommittee, or its designee, may decertify or reactivate a
6 law-enforcement officer pursuant to the procedure contained in this article and legislative rules
7 promulgated by the ~~Governor's committee~~ subcommittee.

8 ~~(i) The requirement of this section for qualification, training and certification of~~
9 ~~law-enforcement officers shall not be mandatory during the two years next succeeding July 9, 1981~~
10 ~~for the law-enforcement officers of a law-enforcement agency which employs a civil service system~~
11 ~~for its law-enforcement personnel, nor shall such provisions be mandatory during the five years next~~
12 ~~succeeding July 9, 1981 for law-enforcement officers of a law-enforcement agency which does not~~
13 ~~employ a civil service system for its law-enforcement personnel. Provided, That these requirements~~
14 ~~are mandatory for all such law-enforcement officers until their law-enforcement officials apply for~~
15 ~~their exemption by submitting a written plan to the Governor's committee which will reasonably~~
16 ~~assure compliance of all law-enforcement officers of their agencies within the applicable two or~~
17 ~~five-year period of exemption.~~

18 ~~(j)~~ (i) Any person aggrieved by a decision of the ~~Governor's committee~~ subcommittee made
19 pursuant to this article may contest the decision in accordance with the provisions of article five,
20 chapter twenty-nine-a of this code.

21 ~~(k) Any person terminated from employment for not filing an application to the~~
22 ~~law-enforcement training academy within ninety days after commencing employment as a~~

1 ~~law-enforcement officer may appeal the termination to the Governor's subcommittee for~~
2 ~~reconsideration on an individual basis.~~

3 ~~(f) Beginning July 1, 2002 until June 30, 2003, any applicant who has been conditionally~~
4 ~~employed as a law-enforcement officer who failed to submit a timely application pursuant to the~~
5 ~~provisions of this section, may be conditionally employed as a law-enforcement officer and may~~
6 ~~resubmit an application pursuant to subsection (b) of this section to an approved law-enforcement~~
7 ~~training academy. If the applicant is accepted, the employer shall pay compensation to the employee~~
8 ~~for attendance at the law-enforcement training academy at the rate provided in section eight of this~~
9 ~~article.~~

10 ~~(j) The subcommittee may issue subpoenas for the attendance of witnesses and the production~~
11 ~~of necessary evidence or documents in any hearing before the subcommittee.~~

12 **§30-29-6. Review of certification.**

13 Certification of each West Virginia law-enforcement officer shall be reviewed annually
14 following the first certification and until such time as the officer may achieve exempt rank.
15 Certification may be revoked, suspended, or not renewed if any law-enforcement officer fails to
16 attend annually an in-service approved law-enforcement training program, or if a law-enforcement
17 officer achieving exempt rank fails to attend biennially an approved in-service supervisory level
18 training program. When a law-enforcement officer is a member of the United States Air Force,
19 Army, Coast Guard, Marines or Navy, or a member of the national guard or reserve military forces
20 of any such armed forces, and has been called to active duty, resulting in separation from a
21 law-enforcement agency for more than twelve months but less than twenty-four months, he or she
22 shall attend and complete the mandated in-service training for the period and rank and qualify with

1 his or her firearm within ninety days from his or her reappointment as a law-enforcement officer by
2 a law-enforcement agency.

3 **§30-29-7. Compliance.**

4 The ~~governor's committee~~ subcommittee and the executive of each West Virginia
5 law-enforcement agency shall ensure employee compliance with this article.

6 **CHAPTER 62. CRIMINAL PROCEDURE.**

7 **ARTICLE 11C. THE WEST VIRGINIA COMMUNITY CORRECTIONS ACT.**

8 **§62-11C-2. Community Corrections Subcommittee.**

9 (a) A Community Corrections Subcommittee of the Governor's Committee on Crime,
10 Delinquency and Correction is continued and continues to be assigned responsibility for screening
11 community corrections programs ~~submitted by community criminal justice boards or from other~~
12 ~~entities authorized by the provisions of this article to do so~~ for approval for funding by the
13 ~~Governor's committee~~ subcommittee, and for making ~~recommendations as to the~~ disbursement of
14 funds for approved community corrections programs.

15 (b) The subcommittee shall be comprised of the following ~~fifteen~~ members: ~~of the~~
16 ~~Governor's committee including:~~

17 (1) A representative of the Division of Corrections;

18 (2) A ~~a~~ representative of the Regional Jail and Correctional Facility Authority;

19 (3) A ~~a~~ representative of the Bureau for Behavioral Health and Health Facilities;

20 (4) A ~~a~~ person representing the interests of victims of crime;

21 (5) An ~~an~~ attorney employed by a public defender corporation;

22 (6) An ~~an~~ attorney who is licensed to practice and practicing ~~practices~~ criminal law in this

1 state;

2 (7) A ~~a prosecutor~~ prosecuting attorney or assistant prosecuting attorney actively engaged as
3 such in this state;

4 (8) ~~and a~~ A representative of the West Virginia Coalition Against Domestic Violence; and

5 (9) At the discretion of the ~~West Virginia~~ Supreme Court of Appeals, the Administrator of
6 the Supreme Court of Appeals, a probation officer and a circuit judge may serve on the
7 subcommittee as ex officio, nonvoting members.

8 (~~b~~) (c) The subcommittee shall elect a chairperson and a vice chairperson. The subcommittee
9 shall meet quarterly. Special meetings may be held upon the call of the chairperson, vice chairperson
10 or a majority of the members of the subcommittee. A majority of the members of the subcommittee
11 constitutes a quorum.

12 (d) The subcommittee may adopt bylaws, policies, and procedures for the operation of the
13 subcommittee.

14 (e) The subcommittee may propose legislative rules for legislative approval pursuant article
15 three, to chapter twenty-nine-a for policies and procedures consistent with the duties and
16 responsibilities which are or may be assigned to it.

17 (f) Any member appointed to the subcommittee who is a written designated representative
18 has the full rights of a member, including the right to vote, serve on subcommittees, or perform any
19 other function.

20 **§62-11C-3. Duties of the subcommittee.**

21 (a) ~~Upon recommendation of the Community Corrections Subcommittee, the Governor's~~
22 ~~committee~~ The subcommittee shall propose for legislative promulgation in accordance with the

1 provisions of article three, chapter twenty-nine-a of this code, ~~emergency and~~ legislative rules to:

2 (1) Establish standards for approval of community corrections programs submitted by
3 community criminal justice boards or other entities authorized by the provisions of this article to do
4 so;

5 (2) Establish minimum standards for community corrections programs to be funded,
6 including requiring annual program evaluations;

7 (3) Make any necessary adjustments to the fees established in section four of this article;

8 (4) Establish reporting requirements for community corrections programs; and

9 (5) Carry out the purpose and intent of this article.

10 (b) ~~Upon recommendation of the community corrections subcommittee, the Governor's~~
11 ~~committee~~ The subcommittee shall:

12 (1) Maintain records of community corrections programs including the corresponding
13 community criminal justice board or other entity contact information and annual program
14 evaluations, when available;

15 (2) Seek funding for approved community corrections programs from sources other than the
16 fees collected pursuant to section four of this article; and

17 (3) Provide funding for approved community corrections programs, as available.

18 (c) ~~The Governor's committee~~ subcommittee shall submit, on or before September 30 of each
19 year, to the Governor, the Speaker of the House of Delegates, the President of the Senate and, upon
20 request, to any individual member of the Legislature a report on its activities during the previous year
21 and an accounting of funds paid into and disbursed from the special revenue account established
22 pursuant to section four of this article. The subcommittee may make recommendations to the

1 Governor's Committee on Crime, Delinquency and Correction for legislation related to the
2 subcommittee's duties and responsibilities, or for research or studies by the Division of Justice and
3 Community Services on topics related to the subcommittee's duties and responsibilities.

4 (d) The subcommittee shall review the implementation of evidence-based practices and
5 conduct regular assessments for quality assurance of all community-based criminal justice services,
6 including day report centers, probation, parole and home confinement. In consultation with the
7 affected agencies, the subcommittee shall establish a process for reviewing performance. The process
8 shall include review of agency performance measures and identification of new measures by the
9 subcommittee, if necessary, for measuring the implementation of evidence-based practices or for
10 quality assurance. After providing an opportunity for the affected agencies to comment, the
11 subcommittee shall submit, on or before September 30 of each year, to the Governor, the Speaker
12 of the House of Delegates, the President of the Senate and, upon request, to any individual member
13 of the Legislature a report on its activities and results from assessments of performance during the
14 previous year.

15 **§62-11C-4. Special revenue account.**

16 (a) There is hereby created in the State Treasury a special revenue account to be known as
17 the West Virginia Community Corrections Fund. Expenditures from the fund are for the purposes
18 set forth in subsection (e) of this section and are not authorized from collections but are to be made
19 only in accordance with appropriation by the Legislature and in accordance with the provisions of
20 article three, chapter twelve of this code and upon the fulfillment of the provisions set forth in article
21 two, chapter five-a of this code. The West Virginia Community Corrections Fund may receive any
22 gifts, grants, contributions or other money from any source which is specifically designated for

1 deposit in the fund.

2 (b) In addition to the fee required in section nine, article twelve of this chapter, a fee not to
3 exceed \$35 per month, unless modified by legislative rule as provided in section three of this article,
4 is also to be collected from those persons on probation. This fee is to be based upon the person's
5 ability to pay. The magistrate or circuit judge shall conduct a hearing prior to imposition of probation
6 and make a determination on the record that the offender is able to pay the fee without undue
7 hardship. The magistrate clerk, deputy magistrate clerk, magistrate assistant, circuit clerk or deputy
8 circuit clerk shall collect all fees imposed pursuant to this subsection and deposit them in a separate
9 account. Within ten calendar days following the beginning of the calendar month, the magistrate
10 clerk or circuit clerk shall forward the amount deposited to the State Treasurer to be credited to the
11 West Virginia Community Corrections Fund.

12 (c) In addition to the fee required in section five, article eleven-b of this chapter, a fee of
13 \$2.50 per day, unless modified by legislative rule as provided in section three of this article, is to
14 be collected from those persons on home incarceration. The circuit judge, magistrate or municipal
15 court judge shall consider the person's ability to pay in determining the imposition of the fee. The
16 circuit clerk, magistrate clerk, municipal court clerk or his or her designee shall collect all fees
17 imposed pursuant to this subsection and deposit them in a separate account. Within ten calendar days
18 following the beginning of the calendar month, the circuit clerk, magistrate clerk or municipal court
19 clerk shall forward the amount deposited to the State Treasurer to be credited to the West Virginia
20 Community Corrections Fund.

21 (d) In addition to the usual court costs in any criminal case taxed against any defendant
22 convicted in a municipal, magistrate or circuit court, excluding municipal parking ordinances, a \$10

1 fee shall be added, unless the fee is modified by legislative rule as provided in section three of this
2 article. The circuit clerk, magistrate clerk, municipal court clerk or his or her designee shall collect
3 all fees imposed pursuant to this subsection and deposit them in a separate account. Within ten
4 calendar days following the beginning of the calendar month, the circuit clerk, magistrate court clerk
5 and the municipal court clerk shall forward the amount deposited to the State Treasurer to be
6 credited to the West Virginia Community Corrections Fund.

7 (e) The moneys of the West Virginia Community Corrections Fund are to be disbursed by
8 the ~~Governor's Committee on Crime, Delinquency and Correction~~, upon recommendation by the
9 ~~community corrections~~ subcommittee, for the funding of community corrections programs and to
10 pay expenses of the ~~Governor's committee~~ subcommittee in administering the provisions of this
11 article, which expenses may not in any fiscal year exceed ~~ten~~ fifteen percent of the funds deposited
12 to the special revenue account during that fiscal year.

13 (f) Any disbursements from the West Virginia Community Corrections Fund allocated for
14 community corrections programs by the ~~Governor's committee~~ subcommittee may be made
15 contingent upon local appropriations or gifts in money or in kind for the support of the programs.
16 Any county commission of any county or the governing body of a municipality may appropriate and
17 expend money for establishing and maintaining community corrections programs.

18 **§62-11C-6. Community criminal justice boards.**

19 (a) Each county or combination of counties or a county or counties and a Class I or II
20 municipality that seek to establish community-based corrections services shall establish a community
21 criminal justice board. ~~Provided, That if a county has not established a community criminal justice~~
22 ~~board by July 1, 2002, the chief probation officer of that county, with the approval of the chief judge~~

1 ~~of the circuit, may apply for and receive approval and funding from the Governor's committee for~~
2 ~~any programs as authorized by the provisions of section five of this article.~~ Any county which
3 chooses to operate without a community criminal justice board is subject to the regulations and
4 requirements established by the ~~community corrections~~ subcommittee. ~~and the Governor's~~
5 ~~committee.~~

6 (b) A community criminal justice board shall consist of no more than fifteen voting members.

7 (c) All members of a community criminal justice board shall be residents of the county or
8 counties represented.

9 (d) A community criminal justice board shall consist of the following members:

10 (1) The sheriff or chief of police or, if the board represents more than one county or
11 municipality, at least one sheriff or chief of police from the counties represented;

12 (2) The prosecutor or, if the board represents more than one county, at least one prosecutor
13 from the counties represented;

14 (3) If a public defender corporation exists in the county or counties represented, at least one
15 attorney employed by any public defender corporation existing in the counties represented or, if no
16 public defender office exists, one criminal defense attorney from the counties represented;

17 (4) One member to be appointed by the local board of education or, if the board represents
18 more than one county, at least one member appointed by a board of education of the counties
19 represented;

20 (5) One member with a background in mental health care and services to be appointed by the
21 commission or commissions of the county or counties represented by the board;

22 (6) Two members who can represent organizations or programs advocating for the rights of

1 victims of crimes with preference given to organizations or programs advocating for the rights of
2 victims of the crimes of domestic violence or driving under the influence;

3 (7) One member with a background in substance abuse treatment and services to be appointed
4 by the commission or commissions of the county or counties represented by the board; and

5 (8) Three at-large members to be appointed by the commission or commissions of the county
6 or counties represented by the board.

7 (e) At the discretion of the ~~West Virginia~~ Supreme Court of Appeals, any or all of the
8 following people may serve on a community criminal justice board as ex officio, nonvoting
9 members:

10 (1) A circuit judge from the county or counties represented;

11 (2) A magistrate from the county or counties represented; or

12 (3) A probation officer from the county or counties represented.

13 (f) Community criminal justice boards may:

14 (1) Provide for the purchase, development and operation of community corrections services;

15 (2) Coordinate with local probation departments in establishing and modifying programs and
16 services for offenders;

17 (3) Evaluate and monitor community corrections programs, services and facilities to
18 determine their impact on offenders; and

19 (4) Develop and apply for approval of community corrections programs by the Governor's
20 Committee on Crime, Delinquency and Correction.

21 (g) If a community criminal justice board represents more than one county, the appointed
22 membership of the board, excluding any ex officio members, shall include an equal number of

1 members from each county, unless the county commission of each county agrees in writing
2 otherwise.

3 (h) If a community criminal justice board represents more than one county, the board shall,
4 in consultation with the county commission of each county represented, designate one county
5 commission as the fiscal agent of the board.

6 (i) Any political subdivision of this state operating a community corrections program shall,
7 regardless of whether or not the program has been approved by the Community Corrections
8 Subcommittee of the Governor's Committee on Crime, Delinquency and Correction, provide to the
9 ~~Governor's committee~~ subcommittee required information regarding the program's operations. as
10 ~~required by legislative rule.~~

11 **§62-11C-8. Local community criminal justice accounts.**

12 (a) The treasurer of the county designated as the fiscal agent for the board pursuant to section
13 six of this article shall establish a separate fund designated the community criminal justice fund. He
14 or she shall deposit all fees remitted by the municipal, magistrate and circuit clerks pursuant to
15 section seven of this article and all funds appropriated by a county commission pursuant to section
16 seven, article eleven-b of this chapter, or any other provision of this code and all funds provided by
17 the ~~governor's committee~~ subcommittee for approved community corrections programs in the
18 community criminal justice fund. Funds in the community criminal justice account are to be
19 expended by order of the designated county's commission upon recommendation of the community
20 criminal justice board in furtherance of the operation of an approved community corrections
21 program.

22 (b) A county commission representing the same county as a community criminal justice

1 board may require the community criminal justice board to render an accounting, at intervals the
2 county commission may designate, of the use of money, property, goods and services made available
3 to the board by the county commission and to make available at quarterly intervals an itemized
4 statement of receipts and disbursements, and its books, records and accounts during the preceding
5 quarter, for audit and examination pursuant to article nine, chapter six of this code.

NOTE: The purpose of this bill is to codify and reorganize existing committee/subcommittees relating to the Governor's Committee on Crime, Delinquency and Prevention.

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

§15-9-6 is new; therefore, it has been completely underscored.