

H. B. 2721

(By Delegates Hamilton, Moore, A. Evans and Canterbury)

[Introduced February 13, 2015; referred to the

Committee on the Judiciary.]

**FISCAL
NOTE**

A BILL to amend and reenact §62-12-23 of the Code of West Virginia, 1931, as amended, relating to specifying who receives notice of parole hearings via regular or certified mail.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 12. PROBATION AND PAROLE.

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

(a) Following the sentencing of a person who has been convicted of murder, aggravated robbery, sexual assault in the first or second degree, kidnaping, child abuse resulting in injury, child neglect resulting in injury, arson or a sexual offense against a minor, the prosecuting attorney who prosecuted the offender shall prepare a Parole Hearing Notification Form. This form shall contain the following information:

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

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

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

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

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

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

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

16 (c) At least forty-five days prior to the date of a parole hearing, the Parole Board shall notify
17 all persons who are listed on the Parole Hearing Notification Form, including the circuit court which
18 sentenced the offender and office of the prosecuting attorney that prosecuted the offender, of the
19 date, time and place of the hearing. Such notice to law-enforcement agencies and officers who were
20 primarily involved with the investigation of the crime for which the offender was sentenced shall be
21 sent by regular mail, properly addressed and postage prepaid. Notice to the prosecuting attorney who
22 prosecuted the offender, the judge who presided over the criminal case and sentencing of the

1 offender and victims of the crime for which the offender was sentenced or the immediate family
2 members of each victim of the crime shall be sent by certified mail, return receipt requested. The
3 notice shall state that the victims of the crime have the right to submit a written statement to the
4 Parole Board and to attend the parole hearing to be heard regarding the propriety of granting parole
5 to the prisoner. The notice shall also state that only the victims may submit written statements and
6 speak at the parole hearing unless a victim is deceased, is a minor or is otherwise incapacitated.

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

11 (e) If the panel grants parole, it shall immediately set a date on which the prisoner will be
12 released. Such date shall be no earlier than thirty days after the date on which parole is granted. On
13 the date on which parole is granted, the Parole Board shall notify all persons listed on the Parole
14 Hearing Notification Form, including the circuit court which sentenced the offender and office of
15 the prosecuting attorney that prosecuted the offender, that parole has been granted and the date of
16 release. This notice shall be sent by certified mail, return receipt requested. A written statement of
17 reasons for releasing the prisoner, prepared pursuant to subsection (b), section thirteen of this article,
18 shall be provided upon request to all persons listed on the Parole Hearing Notification Form,
19 including the circuit court which sentenced the offender and office of the prosecuting attorney that
20 prosecuted the offender.

NOTE: The purpose of this bill is to specify who receives notice of parole hearings via regular or certified mail.

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