

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 558**

BY SENATORS TRUMP, WOELFEL, CAPUTO, AND PHILLIPS

[Originating in the Committee on the Judiciary;

reported on February 25, 2022]



1 A BILL to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating  
2 to the board of parole generally; increasing the number of members on the board from  
3 nine to 12; establishing qualifications for members appointed after July 1, 2022; and  
4 removing the party affiliation limitation.

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

**ARTICLE 12. PROBATION AND PAROLE.**

**§62-12-12. Parole Board generally.**

1 (a) The West Virginia Parole Board is continued as part of the Division of Corrections and  
2 Rehabilitation. The board shall consist of ~~nine~~ 12 members, each of whom shall have been a  
3 resident of this state for at least five consecutive years prior to his or her appointment. No more  
4 than ~~five~~ six of the board members may at any one time belong to the same political party. ~~except~~  
5 ~~as provided in subsection (b) of this section.~~ The board shall be appointed by the Governor, by  
6 and with the advice and consent of the Senate, and shall serve at the will and pleasure of the  
7 Governor.

8 (b) The Governor shall appoint one of the ~~nine~~ 12 members to serve as chairperson at the  
9 Governor's will and pleasure. In addition to all other powers, duties, and responsibilities granted  
10 and assigned to the chairperson by law and rule, the chairperson has the following powers and  
11 duties:

12 (1) To provide for the management of facilities and personnel of the board;

13 (2) To supervise the administration and operation of the board;

14 (3) To delegate the powers and duties of his or her office to the vice chairperson or other  
15 members of the board, who shall act under the direction of the chairperson and for whose acts he  
16 or she is responsible: *Provided*, That if the position of chairperson becomes vacant by death,  
17 resignation, or otherwise, the vice chairperson shall assume all the powers and duties of the  
18 chairperson until such time as a new chairperson is appointed pursuant to the provisions of this  
19 subsection;

20 (4) To employ one full-time administrative employee, who shall be a classified exempt  
21 employee; and

22 (5) To exercise all other powers and perform all other duties necessary and proper in  
23 carrying out his or her responsibilities as chairperson.

24 (c) The board, from its membership, shall elect a vice chairperson, at least once every  
25 year, to serve as ~~chair~~ chairperson in the absence of a chairperson. In the absence of, or at the  
26 direction of, the chairperson, the vice chairperson may exercise the powers and duties of the  
27 chairperson. The vice chairperson shall, while performing the duties and responsibilities of the  
28 chairperson, have all of the statutorily authorized power and duties of the chairperson.

29 (d) Members of the board shall have at least an undergraduate degree from an accredited  
30 college or university or at least five years of actual experience in the fields of corrections, law  
31 enforcement, sociology, law, education, psychology, social work, or medicine, or a combination  
32 thereof, and shall be otherwise competent to perform the duties of his or her office: *Provided*, That  
33 at least three members initially appointed after July 1, 2021, shall have five or more years  
34 experience in the fields of mental health, social work, or inmate reentry services: *Provided*,  
35 *however*, That members appointed to the board pursuant to the amendments to this section  
36 enacted during the regular session of the Legislature, 2022, shall have at least an undergraduate  
37 degree and five or more years of experience in the fields of medicine, psychiatry, psychology,  
38 education, the practice of law, social work, mental health, or corrections. All members currently  
39 serving on the board shall continue the terms they are currently serving, unless otherwise  
40 removed. The members shall be appointed for overlapping terms of six years. Members are  
41 eligible for reappointment. The members of the board shall devote their full time and attention to  
42 their board duties.

43 (e) The Governor may, if he or she is informed that a vacancy is imminent, appoint a  
44 member to fill the imminent vacancy prior to it becoming vacant: *Provided*, That the new member  
45 may be appointed no more than 30 days prior to the vacancy occurring and only for purposes of

46 training. He or she may not assume the powers and duties of the position until the vacancy has  
47 actually occurred.

48 (f) The Governor may appoint no more than five persons to a list of substitute board  
49 members. Substitute board members shall meet the qualifications set forth in subsection (d) of  
50 this section. The persons on the list shall be used in a rotating fashion. If a full-time board member  
51 is unable to serve, a substitute board member may serve in his or her place. These substitute  
52 board members shall have the same powers and duties of the full-time board members while  
53 acting as a substitute and shall serve at the will and pleasure of the Governor. These members  
54 shall be reimbursed for expenses and paid a per diem rate set by the secretary.

55 (g) The Division of Corrections and Rehabilitation shall provide administrative and other  
56 services to the board as the board requires. Expenses of the board shall be included within the  
57 annual budget of the Division of Corrections and Rehabilitation: *Provided*, That the salaries of the  
58 members appointed pursuant to subsection (b) of this section are to be included in a separate  
59 budget for the Parole Board.

60 (h) Notwithstanding any provision of this code to the contrary, meetings of the Parole  
61 Board are not subject to the provisions of §6-9A-1 *et seq.* of this code: *Provided*, That hearings  
62 before the Parole Board shall be open to the public.