WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 416

FISCAL NOTE

By Senators Trump, Deeds, and Woelfel
[Introduced January 12, 2024; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

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A BILL to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating generally to the board of parole; increasing the number of members on the board from nine to 13; establishing qualifications for members appointed after July 1, 2024; removing the party affiliation limitation; and requesting the Governor to affirmatively recruit candidates with mental health and social work experience.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. PROBATION AND PAROLE. §62-12-12. Parole Board generally.

- (a) The West Virginia Parole Board is continued as part of the Division of Corrections and Rehabilitation. The board shall consist of nine 13 members, each of whom shall have been a resident of this state for at least five consecutive years prior to his or her appointment. No more than five six of the board members may at any one time belong to the same political party. except as provided in subsection (b) of this section The board shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall serve at the will and pleasure of the Governor.
- (b) The Governor shall appoint one of the nine members member to serve as chairperson at the Governor's will and pleasure. In addition to all other powers, duties, and responsibilities granted and assigned to the chairperson by law and rule, the chairperson has the following powers and duties:
 - (1) To provide for the management of facilities and personnel of the board;
 - (2) To supervise the administration and operation of the board;
- (3) To delegate the powers and duties of his or her office to the vice chairperson or other members of the board, who shall act under the direction of the chairperson and for whose acts he or she is responsible: *Provided*, That if the position of chairperson becomes vacant by death, resignation, or otherwise, the vice chairperson shall assume all the powers and duties of the chairperson until such time as a new chairperson is appointed pursuant to the provisions of this subsection;

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

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- (5) To exercise all other powers and perform all other duties necessary and proper in carrying out his or her responsibilities as chairperson.
- (c) The board, from its membership, shall elect a vice chairperson, at least once every year, to serve as chair chairperson in the absence of a chairperson. In the absence of, or at the direction of, the chairperson, the vice chairperson may exercise the powers and duties of the chairperson. The vice chairperson shall, while performing the duties and responsibilities of the chairperson, have all of the statutorily authorized power and duties of the chairperson.
- (d) Members of the board shall have at least an undergraduate degree from an accredited college or university or at least five years of actual experience in the fields of corrections, law enforcement, sociology, law, education, psychology, social work, or medicine, or a combination thereof, and shall be otherwise competent to perform the duties of his or her office: *Provided*. That at least three members initially appointed after July 1, 2021, shall have five or more years experience in the fields of mental health, social work, or inmate reentry services: Provided, however. That members appointed to the board pursuant to the amendments to this section enacted during the regular session of the Legislature, 2024, shall have at least an undergraduate degree or five or more years of experience in the fields of medicine, psychiatry, psychology, education, the practice of law, social work, mental health, or corrections: Provided, further, that the Governor is requested to affirmatively attempt to recruit persons with the required experience in the areas of mental health and social work in the filling of the positions created by the amendments to this section enacted during the 2024 Regular Session of the Legislature. All members currently serving on the board shall continue the terms they are currently serving, unless otherwise removed. The members shall be appointed for overlapping terms of six years. Members are eligible for reappointment. The members of the board shall devote their full time and attention to their board duties.

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(e) The Governor may, if he or she is informed that a vacancy is imminent, appoint a member to fill the imminent vacancy prior to it becoming vacant: *Provided*, That the new member may be appointed no more than 30 days prior to the vacancy occurring and only for purposes of training. He or she may not assume the powers and duties of the position until the vacancy has actually occurred.

- (f) The Governor may appoint no more than five persons to a list of substitute board members. Substitute board members shall meet the qualifications set forth in subsection (d) of this section. The persons on the list shall be used in a rotating fashion. If a full-time board member is unable to serve, a substitute board member may serve in his or her place. These substitute board members shall have the same powers and duties of the full-time board members while acting as a substitute and shall serve at the will and pleasure of the Governor. These members shall be reimbursed for expenses and paid a per diem rate set by the secretary.
- (g) The Division of Corrections and Rehabilitation shall provide administrative and other services to required by the board. as the board requires. Expenses of the board shall be included within the annual budget of the Division of Corrections and Rehabilitation: *Provided*, That the salaries of the members appointed pursuant to subsection (b) of this section are to be included in a separate budget for the Parole Board.
- (h) Notwithstanding any provision of this code to the contrary, meetings of the Parole Board are not subject to the provisions of §6-9A-1 *et seq*. of this code: *Provided*, That hearings before the Parole Board shall be open to the public.

NOTE: The purpose of this bill is to add additional members to the West Virginia Parole Board.

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