

RECEIVED
1993 APR 22 AM 10:44
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1993



ENROLLED

SENATE BILL NO. 577

(By Senator Bass, et al)



PASSED April 10, 1993

In Effect from Passage

E N R O L L E D

Senate Bill No. 577

(BY SENATORS ROSS, DITTMAR AND YODER)

[Passed April 10, 1993; in effect from passage.]

AN ACT to amend and reenact section two, article thirteen, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to allowing the commissioner of corrections to charge parolees under the supervision of the division of corrections a fee to help defray the increasing costs of parole supervision.

Be it enacted by the Legislature of West Virginia:

That section two, article thirteen, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 13. CORRECTIONS MANAGEMENT.

§62-13-2. Supervision of probationers and parolees; final determinations remaining with board of probation and parole.

1 The commissioner of corrections shall supervise all
2 persons released on parole under any law of this state
3 with the exception of those persons paroled pursuant
4 to section thirteen, article two, chapter forty-nine of
5 this code. The commissioner shall have authority to
6 revoke the parole with appropriate due process. He

7 shall also supervise all probationers and parolees
8 whose supervision may have been undertaken by this
9 state by reason of any interstate compact entered into
10 pursuant to the uniform act for out-of-state parolee
11 supervision. The commissioner shall prescribe rules
12 and regulations for the supervision of probationers and
13 parolees under his supervision and control and shall
14 succeed to all administrative and supervisory powers
15 of the board of probation and parole and the authority
16 of said board of probation and parole in such matters
17 only. The commissioner of corrections may charge
18 persons under his or her supervision who are on
19 parole a monthly fee to be determined by the commis-
20 sioner, based upon the parolee's ability to pay, not to
21 exceed twenty dollars per month to defray costs of
22 supervision. All fees collected shall be placed into a
23 special revenue account in the state treasury to be
24 used to defray the expenses incurred. The commis-
25 sioner shall consider the following factors in determin-
26 ing whether the parolee is financially able to pay the
27 fee:

28 (1) Current income prospects, taking into account
29 seasonal variations in income;

30 (2) Liquid assets, assets which may provide collateral
31 to obtain funds and other assets which may be liqui-
32 dated to provide funds to pay the fee;

33 (3) Fixed debts and obligations, including federal,
34 state and local taxes and medical expenses;

35 (4) Child care, transportation and expenses neces-
36 sary for employment;

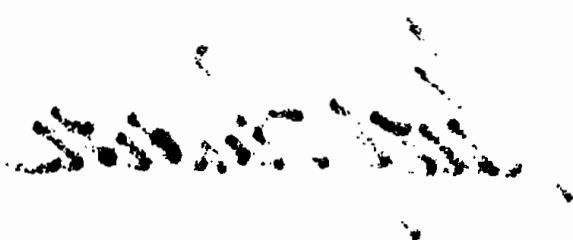
37 (5) Age or physical infirmity of resident family
38 members; and

39 (6) The consequences for the individual if a waiver
40 or reduced fee is denied.

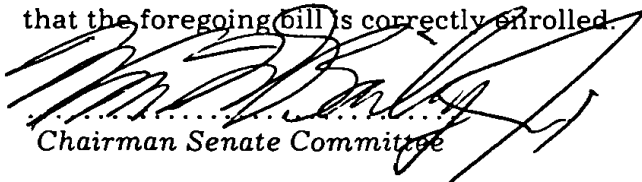
41 The commissioner of corrections shall administer all
42 other laws affecting the custody, control, treatment
43 and employment of persons sentenced or committed to
44 institutions under the supervision of the department
45 or affecting the operation and administration of

46 institutions or functions of the department.

47 The final determination regarding the release of
48 inmates from penal institutions and the final determi-
49 nation regarding revocation of parolees from such
50 institutions pursuant to the provisions of article
51 twelve, chapter sixty-two of this code shall remain
52 within the exclusive jurisdiction of the board of
53 probation and parole.



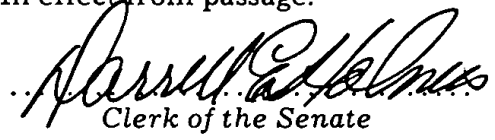
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

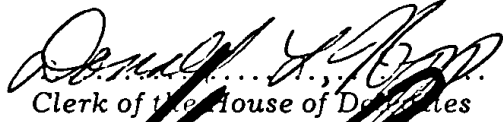

.....
Chairman Senate Committee

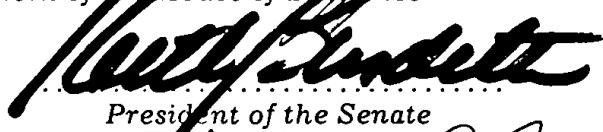

..... Ernest C. Moore
Chairman House Committee

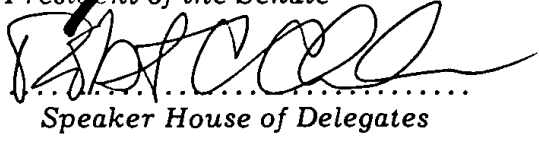
Originated in the Senate.

In effect from passage.

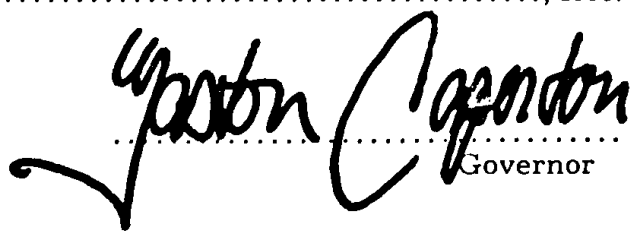

.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within is approved this the 21st
day of April, 1993.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 1/16/93

Time 9:36 am