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FILED

2007 MAR 27 AM 10:45

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

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**ENROLLED**  
*Committee Substitute for*  
**Senate Bill No. 66**

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND  
CARUTH, BY REQUEST OF THE EXECUTIVE)

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[Passed March 5, 2007; in effect ninety days from passage.]

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COMMITTEE SUBSTITUTE

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AN ACT to amend and reenact §62-11C-4 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Community Corrections Fund; establishing fee collected from persons on home incarceration; setting fee amount; and removing provision allowing modification of fee amount by legislative rule.

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

That §62-11C-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

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

1 (a) There is hereby created in the State Treasury a  
2 special revenue account to be known as the West  
3 Virginia Community Corrections Fund. Expenditures  
4 from the fund are for the purposes set forth in  
5 subsection (e) of this section and are not authorized  
6 from collections but are to be made only in accordance  
7 with appropriation by the Legislature and in  
8 accordance with the provisions of article three, chapter  
9 twelve of this code and upon the fulfillment of the  
10 provisions set forth in article two, chapter five-a of this  
11 code. The West Virginia Community Corrections Fund  
12 may receive any gifts, grants, contributions or other  
13 money from any source which is specifically designated  
14 for deposit in the fund.

15 (b) Beginning on the first day of July, two thousand  
16 six, in addition to the fee required in section nine,  
17 article twelve of this chapter, a fee not to exceed thirty-  
18 five dollars per month, unless modified by legislative  
19 rule as provided in section three of this article, is also to  
20 be collected from those persons on probation. This fee  
21 is to be based upon the person's ability to pay. The  
22 magistrate or circuit judge shall conduct a hearing prior  
23 to imposition of probation and make a determination on  
24 the record that the offender is able to pay the fee  
25 without undue hardship. The magistrate clerk or circuit  
26 clerk shall collect all fees imposed pursuant to this  
27 subsection and deposit them in a separate account.  
28 Within ten calendar days following the beginning of the  
29 calendar month, the magistrate clerk or circuit clerk  
30 shall forward the amount deposited to the State

31 Treasurer to be credited to the West Virginia  
32 Community Corrections Fund.

33 (c) Beginning on the first day of July, two thousand  
34 seven, in addition to the fee required in section five,  
35 article eleven-b of this chapter, a fee of two dollars fifty  
36 cents per day is to be collected from those persons on  
37 home incarceration. The circuit judge, magistrate or  
38 municipal court judge shall consider the person's ability  
39 to pay in determining the imposition of the fee. The  
40 circuit clerk, magistrate clerk or municipal court clerk  
41 shall collect all fees imposed pursuant to this subsection  
42 and deposit them in a separate account. Within ten  
43 calendar days following the beginning of the calendar  
44 month, the circuit clerk or municipal court clerk shall  
45 forward the amount deposited to the State Treasurer to  
46 be credited to the West Virginia Community Corrections  
47 Fund.

48 (d) Beginning on the first day of July, two thousand  
49 six, in addition to the usual court costs in any criminal  
50 case taxed against any defendant convicted in a  
51 municipal, magistrate or circuit court, excluding  
52 municipal parking ordinances, a ten-dollar fee shall be  
53 added. The circuit clerk, magistrate clerk or municipal  
54 court clerk shall collect all fees imposed pursuant to this  
55 subsection and deposit them in a separate account.  
56 Within ten calendar days following the beginning of the  
57 calendar month, the circuit clerk, magistrate court clerk  
58 and the municipal court clerk shall forward the amount  
59 deposited to the State Treasurer to be credited to the  
60 West Virginia Community Corrections Fund.

61 (e) The moneys of the West Virginia Community  
62 Corrections Fund are to be disbursed by the Governor's  
63 Committee on Crime, Delinquency and Correction, upon  
64 recommendation by the community corrections

65 subcommittee, for the funding of community corrections  
66 programs and to pay expenses of the Governor's  
67 committee in administering the provisions of this  
68 article, which expenses may not in any fiscal year  
69 exceed ten percent of the funds deposited to the special  
70 revenue account during that fiscal year.

71 (f) Any disbursements from the West Virginia  
72 Community Corrections Fund allocated for community  
73 corrections programs by the Governor's committee may  
74 be made contingent upon local appropriations or gifts  
75 in money or in kind for the support of the programs.  
76 Any county commission of any county or the governing  
77 body of a municipality may appropriate and expend  
78 money for establishing and maintaining community  
79 corrections programs.

80 (g) Nothing in this article may be construed to  
81 mandate funding for the West Virginia Community  
82 Corrections Fund or to require any appropriation by the  
83 Legislature.

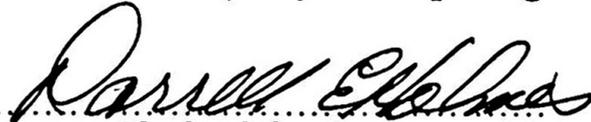
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

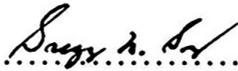
  
.....  
Chairman Senate Committee

  
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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
.....  
Speaker House of Delegates

The within ..... *is approved* ..... this  
the *26* Day of *March* ....., 2007.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 20 2007

Time 3:30pm