

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 455

SENATORS TRUMP, WELD, MILLER AND GAUNCH, *original sponsors*

[Passed April 1, 2017; in effect 90 days from passage]

1 AN ACT to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended, relating
 2 generally to commitment of persons to the custody of the Commissioner of Corrections;
 3 updating the commitment order form sentencing courts are required to complete when
 4 committing a person to the custody of the Commissioner of Corrections; requiring that the
 5 commitment order contain certain information; and clarifying that the circuit clerk of the
 6 court is required to transmit certified copies of the commitment order to the Commissioner
 7 of the Division of Corrections and the West Virginia Regional Jail Authority upon entry.

Be it enacted by the Legislature of West Virginia:

1 That §62-7-10 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 7. EXECUTION OF SENTENCES; STAYS.

§62-7-10. Commitment paper.

1 The clerk of a court in which a person is sentenced to serve a period of incarceration in a
 2 state correctional facility shall transmit to the Commissioner of the Division of Corrections and the
 3 West Virginia Regional Jail Authority a certified commitment order same as, or similar to, the form
 4 provided in this section. If a commitment order in a form other than the one provided in this
 5 section is issued, the commitment order is required, at a minimum, to contain the same
 6 information.

7 IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

8 State of West Virginia

9 v. _____ circuit court Case No. _____

10 Defendant: _____

11 DOB: _____ SSN: XXX-XX-____ Gender: ____ Male/ ____ Female

12 WEST VIRGINIA DIVISION OF CORRECTIONS CERTIFIED COMMITMENT ORDER

13 On the ____ day of _____, 20____, the State of West Virginia, by
14 _____, and the defendant appeared in person and with
15 counsel,_____.

16 The defendant has been convicted of the following offense(s):
17 _____

18 The defendant is committed to the custody of the Commissioner of Corrections for a
19 period of:
20 _____.

21 Conviction Date: _____ Sentence Date: _____

22 Effective Sentence Date: _____ Resentence Date: _____

23 Consecutive to: ____ Concurrent with:
24 _____

25 Credit for Jail/Prison Time Served: _____ days Credit for Home Incarceration: _____ days

26 Credit for Home Incarceration Parole: _____ days Other NonPenal Credit: _____ days

27 Additionally, the court finds:
28 _____

29 The defendant shall be transported to and held in a West Virginia Regional Jail Authority
30 facility until transfer into the physical custody of the Commissioner. The court further orders that
31 the cost of incarceration in the regional jail pending transfer shall be paid by the Commissioner
32 from the date of entry of this order forward.

33 Special Instructions: _____

34 It is further ordered that the Circuit Clerk shall forthwith transmit a certified copy of this
35 commitment order to the West Virginia Regional Jail Authority and to the Central Office Inmate
36 Records Manager of the Division of Corrections by facsimile at (fax number) or by mail at (street
37 address).

38 Enter this ____ day of _____, 2____.

39 _____
40 Circuit Judge

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 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

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Speaker of the House of Delegates

The within this the.....
Day of, 2017.

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Governor