

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2907

BY DELEGATES STEELE, MILLER, CAPUTO AND MAYNARD

(BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY)

[Passed March 6, 2019; in effect from passage.]

1 AN ACT to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended; and to
 2 amend the Code of West Virginia, 1931, as amended, by adding thereto a new section
 3 designated §62-7-10a, all relating to commitment order forms; providing forms for state
 4 correctional facility and jail commitments; requiring use of statutory forms after July 1,
 5 2019; requiring magistrate court and circuit court clerks immediately provide judicially
 6 entered orders to the Division of Corrections and Rehabilitation; requiring that orders sent
 7 to prisons must be signed by the circuit judge with jurisdiction over the matter; requiring
 8 that orders sent to jails must be signed by the circuit court judge or magistrate with
 9 jurisdiction over the matter; acknowledging that the costs of incarceration in jail pending
 10 transfer to a state correctional facility shall be paid by the Commissioner from the calendar
 11 date following the date of the conviction forward as of July 1, 2019; clarifying the method
 12 of transmittal of commitment orders; and establishing an internal effective date.

Be it enacted by the Legislature of West Virginia:

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 7. EXECUTION OF SENTENCES; STAYS.

§62-7-10. Prison Commitment order.

1 The clerk of a circuit court in which a person is sentenced to serve a period of incarceration
 2 in a state prison shall transmit to the Commissioner of the Division of Corrections and
 3 Rehabilitation a certified commitment order in the form provided for in this section. A person may
 4 not be committed to a prison unless the commitment order is signed by the circuit judge with
 5 jurisdiction over the matter. The amendments to this section enacted during the 2019 regular
 6 session of the Legislature are effective July 1, 2019.

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 AND REHABILITATION CERTIFIED
13 PRISON COMMITMENT ORDER

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

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

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

22 Conviction Date: _____ Sentence Date: _____

23 Effective Sentence Date: _____ Resentence Date: _____

24 Consecutive to: ____ Concurrent with:
25 _____

26 Credit for Jail/Prison Time Served: ____days Credit for Home Incarceration:
27 ____days

28 Credit for Home Incarceration Parole: ____days Other NonPenal Credit:
29 ____days

30 Additionally, the court finds:
31 _____

32 The defendant shall be transported to and held in a facility under the control of the
33 Commissioner of the Division of Corrections and Rehabilitation. The court further orders that the
34 cost of incarceration in the jail pending transfer shall be paid by the Commissioner consistent with
35 the provisions of §15A-3-16 of this code.

36 Special Instructions:
37 _____

38 It is further ordered that the Circuit Clerk shall immediately transmit a certified copy of this
39 commitment order to the Central Office Inmate Records Manager of the Division of Corrections
40 and Rehabilitation by facsimile at (fax number), by email at (email address) or other electronic
41 transmission, or by mail at (street address).

42 Enter this ____ day of _____, 2____.

43 _____

44 Circuit Judge

§62-7-10a. Jail Commitment order.

1 The clerk of a circuit court or magistrate court in which a person is sentenced to serve a
2 period of incarceration in a jail facility under the control of the Commissioner of Corrections and
3 Rehabilitation shall transmit to the Commissioner of the Division of Corrections and Rehabilitation
4 a certified commitment order in the form provided for in this section. A person may not be
5 committed to a jail unless the commitment order is signed by the circuit court judge or magistrate
6 with jurisdiction over the matter. The amendments to this section enacted during the 2019 regular
7 session of the Legislature are effective on July 1, 2019.

8 IN THE CIRCUIT/MAGISTRATE COURT OF _____ COUNTY, WEST
9 VIRGINIA

10 State of West Virginia

11 v. _____ circuit/magistrate court Case No. _____

12 Defendant: _____

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

14 WEST VIRGINIA DIVISION OF CORRECTIONS AND REHABILITATION CERTIFIED
15 JAIL COMMITMENT ORDER

16 On the ____ day of _____, 20____, the State of West Virginia, by
17 _____, and the defendant appeared in person and with
18 counsel, _____.

19 The defendant has been convicted of the following offense(s):

20 _____

21 The defendant is committed to the custody of the Commissioner of Corrections and
22 Rehabilitation for a period of:

23 _____.

24 Conviction Date: _____ Sentence Date: _____

25 Effective Sentence Date: _____ Resentence Date: _____

26 Consecutive to: ____ Concurrent with:

27 _____

28 Credit for Time Served: _____ days Credit for Home Incarceration: _____ days

29 Credit for Home Incarceration Parole: _____ days Other NonPenal Credit:
30 _____ days

31 Additionally, the court finds:

32 _____

33 The defendant shall be transported to and held in a jail facility for the prescribed period of
34 confinement in accordance with law. The court further orders that the cost of incarceration of
35 misdemeanants sentenced to confinement in a jail shall be paid in accordance with the provisions
36 of §15A-3-16 of this code.

37 Special Instructions:

38 _____

39 It is further ordered that the Circuit Clerk or Magistrate Court Clerk shall immediately
40 transmit a certified copy of this commitment order to the Central Office Inmate Records Manager
41 of the Division of Corrections and Rehabilitation by facsimile at (fax number), by email at (email
42 address) or other electronic transmission, or by mail at (street address).

43 Enter this ____ day of _____, 2____.

44 _____

45 Circuit Judge/Magistrate

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

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Chairman, House Committee

.....
Chairman, Senate Committee

Originating in the House.

In effect from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2019.

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Governor