

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 2907

BY DELEGATES STEELE, MILLER, CAPUTO AND MAYNARD

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

[Introduced February 7, 2019; Referred to the
Committee on the Judiciary.]

1 A BILL 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 the requiring a form of a certified commitment order
 4 to the Division of Corrections and Rehabilitation; requiring a form for commitments to
 5 prisons; requiring a form for commitments from magistrate or circuit courts to jails;
 6 clarifying the costs of incarceration; and clarifying the method of transmittal of commitment
 7 orders.

Be it enacted by the Legislature of West Virginia:

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 7. EXECUTION OF SENTENCES; STAYS.

§62-7-10. Prison Commitment paper.

1 The clerk of a circuit court in which a person is sentenced to serve a period of incarceration
 2 in a state ~~correctional facility~~ prison shall transmit to the Commissioner of the Division of
 3 Corrections and ~~the West Virginia Regional Jail Authority~~ Rehabilitation a certified commitment
 4 order the same as, or similar to, the form provided in this section. No person may be committed
 5 to a prison unless the commitment paper is signed by the circuit judge with jurisdiction over the
 6 matter. If a prison commitment order in a form other than the one provided in this section is
 7 issued, the commitment order is required, at a minimum, to contain the same information.

8 IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA
 9 State of West Virginia

10 v. _____ circuit court Case No. _____

11 Defendant: _____

12 DOB: _____ SSN: XXX-XX-_____ Gender: _____ Male/_____ Female

13 WEST VIRGINIA DIVISION OF CORRECTIONS AND REHABILITATION CERTIFIED
 14 PRISON COMMITMENT ORDER

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

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

19 _____

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

23 Conviction Date: _____ Sentence Date: _____

24 Effective Sentence Date: _____ Resentence Date: _____

25 Consecutive to: ____ Concurrent with:

26 _____

27 _____

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

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

32 Additionally, the court finds:

33 _____

34 _____

35 The defendant shall be transported to and held in a ~~West Virginia Regional Jail Authority~~
36 facility ~~until transfer into the physical custody of the Commissioner~~ under the control of the
37 Commissioner of the Division of Corrections and Rehabilitation. The court further orders that the
38 cost of incarceration in the ~~regional~~ jail pending transfer shall be paid by the Commissioner from
39 the calendar date following the date of entry of this order the conviction forward.

40 Special

Instructions:

41 _____

42 It is further ordered that the Circuit Clerk shall forthwith transmit a certified copy of this
43 commitment order to the ~~West Virginia Regional Jail Authority and to the~~ Central Office Inmate
44 Records Manager of the Division of Corrections and Rehabilitation by facsimile at (fax number),
45 by email at (email address) or other electronic transmission, or by mail at (street address).

46 Enter this ____ day of _____, 2____.

47 _____

48 Circuit Judge

§62-7-10a. Jail Commitment paper.

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 the same as, or similar to, the form provided in this section. No
5 person may be committed to a jail unless the commitment paper is signed by the circuit court
6 judge or magistrate with jurisdiction over the matter. If a jail commitment order in a form other
7 than the one provided in this section is issued, the commitment order is required, at a minimum,
8 to contain the same information.

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

11 State of West Virginia

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

13 Defendant: _____

14 DOB: _____ SSN: XXX-XX-_____ Gender: _____ Male/ _____ Female

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

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

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

21 _____

22 The defendant is committed to the custody of the Commissioner of Corrections and
23 Rehabilitation _____ for _____ a _____ period _____ of:
24 _____.

25 Conviction Date: _____ Sentence Date: _____

26 Effective Sentence Date: _____ Resentence Date: _____

27 Consecutive to: _____ Concurrent with:

28 _____

29 _____

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

31 Credit for Home Incarceration Parole: _____ days Other NonPenal Credit:
32 _____ days

33 Additionally, the court finds:

34 _____

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

39 Special _____ Instructions:
40 _____

41 It is further ordered that the Circuit Clerk or Magistrate Court Clerk shall forthwith transmit
42 a certified copy of this commitment order to the Central Office Inmate Records Manager of the

43 Division of Corrections and Rehabilitation by facsimile at (fax number), by email at (email address)
44 or other electronic transmission, or by mail at (street address).

45 Enter this day of , 2 .

46 _____

47 _____ Circuit Judge/Magistrate

NOTE: The purpose of this bill is to amend the commitment paper for convicted felons to reflect the accurate distribution of costs and to create a form order for the commitment of convicted misdemeanants to the custody of the Division of Corrections and Rehabilitation.

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