

# 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.]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2019 MAR 22 P 3:54

FILED

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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

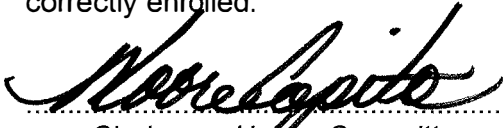
39 It is further ordered that the Circuit Clerk or Magistrate Court Clerk shall immediately  
40 transmit a certified copy of this commitment order to the Central Office Inmate Records Manager  
41 of the Division of Corrections and Rehabilitation by facsimile at (fax number), by email at (email  
42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


43 Enter this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

44

45 \_\_\_\_\_  
Circuit Judge/Magistrate

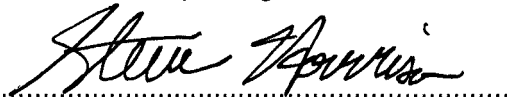
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

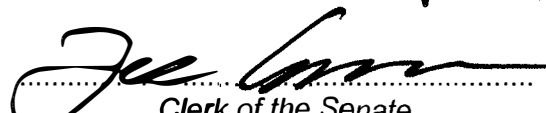
  
.....  
Chairman, House Committee

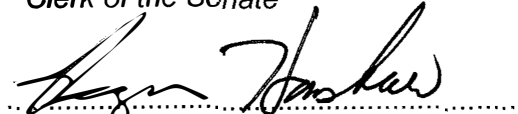
  
.....  
Chairman, Senate Committee

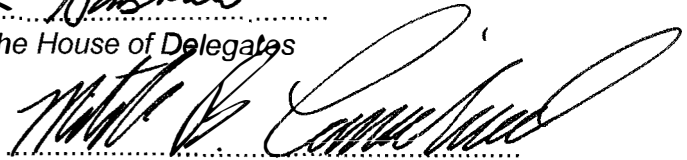
Originating in the House.

In effect from passage.

  
.....  
Clerk of the House of Delegates

  
.....  
Clerk of the Senate

  
.....  
Speaker of the House of Delegates

  
.....  
President of the Senate

OFFICE, WEST VIRGINIA  
SECRETARY OF STATE

2019 MAR 22 P 3:54

FILED

The within *is approved*..... this the *22<sup>nd</sup>*.....  
day of *March*..... 2019.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

6/27/2013

Time 12:40 pm