

WEST VIRGINIA LEGISLATURE
2023 FIRST EXTRAORDINARY SESSION

Introduced

House Bill 110

By Delegates Kelly and Skaff

(By Request of the Executive)

[Introduced August 6, 2023; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §62-12-28 and §62-12-29 of the Code of West Virginia, 1931, as
2 amended, all relating to pretrial release programs; authorizing Supreme Court of Appeals
3 to develop pretrial release programs in all circuits; requesting court to develop electronic
4 pretrial court date reminder system; and requiring community supervision committee of
5 administrative office of the court to make recommendation for development of electronic
6 pretrial court date reminder system.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-28. Authorizing Supreme Court to develop pilot pretrial release programs.

1 (a) The West Virginia Supreme Court of Appeals is hereby authorized to develop ~~pilot~~
2 pretrial release programs in ~~up to five circuits~~ all the circuits of this state with the aim of reducing
3 regional jail populations of short-term detainees while ensuring the safety of law-abiding citizens.

4 (b) The programs authorized by subsection (a) of this section shall be available only to
5 persons charged with misdemeanors and nonviolent felonies.

6 (c) Any program developed pursuant to this section shall require input from arresting
7 officers and shall allow for ~~telephone~~ electronic authorization by magistrates of a charged person's
8 participation.

9 (d) In developing the ~~pilot~~ programs in the state for examples of successful practices
10 authorized by this section the Court is requested to review any existing programs.

11 (e) ~~The provisions of this section shall be in effect for three years from the effective date of~~
12 this section As part of any pretrial release program, the Court is requested to develop an electronic
13 system for pretrial court date reminders, through text messages, emails, or other electronic
14 means, to reduce the risk of failure to appear, which should be available to all defendants on
15 pretrial release and their counsel of record.

16 (f) The Supreme Court of Appeals is hereby requested to provide annual reports to the
17 President of the Senate and the Speaker of the House of Delegates as to the efficacy of the
18 programs.

§62-12-29. Shared information for community supervision.

1 (a) The Administrative Director of the Supreme Court of Appeals of West Virginia is
2 requested to assemble a community supervision committee, to include representatives of the
3 judiciary, probation, parole, day report centers, magistrates, sheriffs, corrections and other
4 members at the discretion of the director. The administrative director shall appoint a chair from
5 among the members and attend the meeting ex officio.

6 (b) The committee shall:

7 (1) Design and deploy a method for probation officers, parole officers, day report centers
8 and others providing community supervision to electronically share offender information and
9 assessments;

10 (2) Coordinate information reporting and access across agencies continuing supervision;

11 (3) Collect and share information about assessed and collected restitution among
12 agencies continuing supervision;

13 (4) Collect sentencing-level data to enable the study of sentencing practices across the
14 state; and

15 (5) Coordinate with the Community Corrections Subcommittee of the Governor's
16 Committee on Crime, Delinquency and Correction in the discharge of these duties; and

17 (6) Research and recommend a means for the development and deployment of an
18 electronic system for pretrial court date reminders, through text messages, emails, or other
19 electronic means, to reduce the risk of failure to appear, which should be available to all
20 defendants on pretrial release and their counsel of record.

21 (c) The committee shall annually submit a report on its activities during the previous year,
22 on or before September 30, to the Governor, the Speaker of the House of Delegates, the President
23 of the Senate and, upon request, to any individual member of the Legislature.

NOTE: The purpose of this bill is to authorize the Supreme Court of Appeals to develop pretrial release programs in all circuits of the state and to develop an electronic court date reminder system as part of any such programs. The bill also requires the community supervision committee of the court to make a recommendation for development and deployment of an electronic court date reminder system.

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