

WEST VIRGINIA LEGISLATURE
2023 FIRST EXTRAORDINARY SESSION

Enrolled

Senate Bill 1010

By Senators Blair (Mr. President) and Woelfel

[By Request of the Executive]

[Passed August 8, 2023; in effect from passage]

1 AN ACT 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.

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

10 (b) The programs authorized by subsection (a) of this section shall be available only to
11 persons charged with non-violent misdemeanors.

12 (c) Any program developed pursuant to this section shall require input from arresting
13 officers and shall allow for electronic authorization by magistrates of a charged person's
14 participation.

15 (d) In developing the programs in the state for examples of successful practices authorized
16 by this section the court is requested to review any existing programs.

17 (e) As part of any pretrial release program, the court is requested to develop an electronic
18 system for pretrial court date reminders, through text messages, emails, or other electronic
19 means, to reduce the risk of failure to appear, which should be available to all defendants on
20 pretrial release and their counsel of record.

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

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

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

29 (b) The committee shall:

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

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

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

36 (4) Collect sentencing-level data to enable the study of sentencing practices across the
37 state;

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

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

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