

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 3430**

By Delegate Kelly

[By Request of Department of Homeland Security –

Parole Board]

[Introduced March 17, 2025; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §62-12-23 of the Code of West Virginia, 1931, as amended, relating  
2 probation and parole; provides notice that notified persons listed on the parole hearing  
3 form can provide written statements and speak at the parole board hearings; provides the  
4 offender to submit written statements and provide names of witnesses to speak at the  
5 parole hearing.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 12. PROBATION AND PAROLE.**

### **§62-12-23. Notification of parole hearing; victim's right to be heard; notification of release on parole.**

1 (a) Following the sentencing of a person who has been convicted of murder, aggravated  
2 robbery, sexual assault in the first or second degree, kidnapping, child abuse resulting in injury,  
3 child neglect resulting in injury, arson or a sexual offense against a minor, the prosecuting attorney  
4 who prosecuted the offender shall prepare a parole hearing notification form. This form shall  
5 contain the following information:

6 (1) The name of the county in which the offender was prosecuted and sentenced;

7 (2) The name of the court in which the offender was prosecuted and sentenced;

8 (3) The name of the prosecuting attorney or assistant prosecuting attorney who  
9 prosecuted the offender;

10 (4) The name of the judge who presided over the criminal case and who sentenced the  
11 offender;

12 (5) The names of the law-enforcement agencies and officers who were primarily involved  
13 with the investigation of the crime for which the offender was sentenced; and

14 (6) The names, addresses and telephone numbers of the victims of the crime for which the  
15 offender was sentenced or the names, addresses and telephone numbers of the immediate family  
16 members of each victim of the crime, including, but not limited to, each victim's spouse, father,  
17 mother, brothers, sisters and any adult household member residing with the victim.

(b) The prosecuting attorney shall retain the original of the parole hearing notification form and shall provide copies of it to the circuit court which sentenced the offender, the Parole Board, the Commissioner of Corrections and to all persons whose names and addresses are listed on the form.

(c) At least 45 days prior to the date of a parole hearing, the Parole Board shall notify all persons who are listed on the parole hearing notification form, including the circuit court which sentenced the offender, the prosecuting attorney's office that prosecuted the offender and the law-enforcement agency and officer primarily involved in the offense underlying the sentence, of the date, time and place of the hearing. Such notice shall be sent by regular mail, properly addressed and postage prepaid, by electronic mail, or by facsimile. Notice to the victims of the crime for which the offender was sentenced or the immediate family members of each victim of the crime shall be sent by certified mail, return receipt requested. The notice shall state that the victims of the crime have the right to submit a written statement to the Parole Board and to attend the parole hearing to be heard regarding the propriety of granting parole to the prisoner. The notice shall also state that ~~only the victims~~ the other notified persons listed on the parole hearing form may submit written statements and speak at the parole hearing ~~unless a victim is deceased, is a minor or is otherwise incapacitated.~~ The offender may also submit written statements and provide names of witnesses to speak at the parole hearing. The number of persons entitled to speak and the length of time allotted for the persons to speak at the hearing will be at the discretion of the Parole Board panel.

(d) The panel considering the parole shall inquire during the parole hearing as to whether the victims of the crime or their representatives, as provided in this section, are present. If so, the panel shall permit those persons to speak at the hearing regarding the propriety of granting parole for the prisoner.

(e) If the panel grants parole, it shall immediately set a date on which the prisoner will be released. Such date shall be no earlier than 30 days after the date on which parole is granted. On

44 the date on which parole is granted, the Parole Board shall notify all persons listed on the parole  
45 hearing notification form, including the circuit court which sentenced the offender and office of the  
46 prosecuting attorney that prosecuted the offender, that parole has been granted and the date of  
47 release. This notice shall be sent by the method prescribed in subsection (c) of this section. A  
48 written statement of reasons for releasing the prisoner, prepared pursuant to subsection (b),  
49 section thirteen of this article, shall be provided upon request to all persons listed on the parole  
50 hearing notification form, including the circuit court which sentenced the offender and office of the  
51 prosecuting attorney that prosecuted the offender.

NOTE: The purpose of this bill is to address the notification of the parole hearing and the victim's right to be heard to allow other notified persons listed on the parole hearing form to be allowed to submit not only written statements, but also speak at the parole board hearings. The purpose of the bill is to also allow the offender to submit written statements and provide names of witnesses to speak at the parole hearing.

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