

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 5444

By Delegates Akers and Flanigan

[By Request of the Department of Homeland Security

– Division of Corrections and Rehabilitation]

[Originating in the Committee on the Judiciary;

Reported on February 19, 2026]

1 A BILL to amend and reenact §62-12-17 of the Code of West Virginia, 1931, as amended, relating
2 to conditions of release on probation or parole; increasing monthly parole supervision fees;
3 and making technical corrections.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-17. Conditions of release on probation and parole.

2 (a) Release and supervision on parole of any person, including the supervision by the
3 Division of Corrections and Rehabilitation of any person paroled by any other state or by the
4 federal government, shall be upon the following conditions:

5 (1) That the parolee may not, during the period of his or her parole, violate any criminal law
6 of this or any other state or of the United States;

7 (2) That the parolee may not, during the period of his or her parole, leave the state without
8 the consent of the Division of Corrections and Rehabilitation;

9 (3) That the parolee complies with the rules prescribed by the Division of Corrections and
10 Rehabilitation for his or her supervision by the parole officer;

11 (4) That in every case in which the parolee for a conviction is seeking parole from an
12 offense against a child, defined in ~~section twelve, article eight, chapter sixty-one~~ §61-8-12 of this
13 code, ~~or article eight-b or eight-d of said chapter~~ §61-8B-1 et seq. or §61-8D-1 et seq. of this code,
14 or similar convictions from other jurisdictions where the parolee is returning or attempting to return
15 to this state pursuant to the provisions of ~~article six, chapter twenty-eight~~ §15A-7-4 of this code, the
16 parolee may not live in the same residence as any minor child nor exercise visitation with any
17 minor child nor may he or she have any contact with the victim of the offense; and

18 (5) That the parolee, and all federal or foreign state probationers and parolees whose
19 supervision may have been undertaken by this state, pay a fee, based on his or her ability to pay,
20 not to exceed ~~\$40~~ \$50 per month to defray the costs of supervision.

21 (b) The Commissioner of the Division of Corrections and Rehabilitation shall keep a record
22 of all actions taken and account for moneys received. All moneys shall be deposited in a special
23 account in the State Treasury to be known as the Parolee's Supervision Fee Fund. Expenditures
24 from the fund shall be for the purposes of providing the parole supervision required by the
25 provisions of this code and are not authorized from collections, but are to be made only in
26 accordance with appropriation by the Legislature and in accordance with the provisions of article
27 three, chapter twelve of this code and upon the fulfillment of the provisions set forth in article two,
28 chapter five-a of this code. Amounts collected which are found, from time to time, to exceed the
29 funds needed for purposes set forth in this article may be transferred to other accounts or funds
30 and redesignated for other purposes by appropriation of the Legislature.

31 (c) The Division of Corrections and Rehabilitation shall consider the following factors in
32 determining whether a parolee or probationer is financially able to pay the fee:

33 (1) Current income prospects for the parolee or probationer, taking into account seasonal
34 variations in income;

35 (2) Liquid assets of the parolee or probationer, assets of the parolee or probationer that
36 may provide collateral to obtain funds and assets of the parolee or probationer that may be
37 liquidated to provide funds to pay the fee;

38 (3) Fixed debts and obligations of the parolee or probationer, including federal, state and
39 local taxes and medical expenses;

40 (4) Child care, transportation and other reasonably necessary expenses of the parolee or
41 probationer related to employment; and

42 (5) The reasonably foreseeable consequences for the parolee or probationer if a waiver of,
43 or reduction in, the fee is denied.

44 (d) In addition, the Division of Corrections and Rehabilitation may impose, subject to
45 modification at any time, any other conditions which the division considers advisable.

46 (e) The Division of Corrections and Rehabilitation may order substance abuse treatment
47 as a condition or as a modification of parole, only if the standardized risk and needs assessment
48 indicates the offender has a high risk for reoffending and a need for substance abuse treatment.

49 (f) The Division of Corrections and Rehabilitation may impose, as an initial condition of
50 parole, a term of reporting to a day report center or other community corrections program only if
51 the standardized risk and needs assessment indicates a moderate to high risk of reoffending and
52 moderate to high criminogenic need. Any parolee required to report to a day report center or other
53 community corrections program is subject to all the rules and regulations of the center or program
54 and may be removed at the discretion of the center's or program's director. The Commissioner of
55 the Division of Corrections and Rehabilitation shall enter into a master agreement with the Division
56 of Administrative Services, Justice and Community Services section to provide reimbursement to
57 counties for the use of community corrections programs by eligible parolees. Any placement by
58 the Division of Corrections and Rehabilitation of a parolee in a day report center or other
59 community corrections program may only be done with the center or program director's consent
60 and the parolee is subject to all of the rules and regulations of the center or program and may be
61 removed by the director.