

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5444

BY DELEGATES AKERS AND FLANIGAN

(BY REQUEST OF THE DEPARTMENT OF HOMELAND SECURITY –

DIVISION OF CORRECTIONS AND REHABILITATION)

[Passed March 10, 2026; in effect 90 days from

passage (June 8, 2026)]

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

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

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

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

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

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

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

19 (b) The Commissioner of the Division of Corrections and Rehabilitation shall keep a record
20 of all actions taken and account for moneys received. All moneys shall be deposited in a special

21 account in the State Treasury to be known as the Parolee's Supervision Fee Fund. Expenditures
22 from the fund shall be for the purposes of providing the parole supervision required by the
23 provisions of this code and are not authorized from collections, but are to be made only in
24 accordance with appropriation by the Legislature and in accordance with the provisions of article
25 three, chapter twelve of this code and upon the fulfillment of the provisions set forth in article two,
26 chapter five-a of this code. Amounts collected which are found, from time to time, to exceed the
27 funds needed for purposes set forth in this article may be transferred to other accounts or funds
28 and redesignated for other purposes by appropriation of the Legislature.

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

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

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

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

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

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

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

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

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

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2026.

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Governor