

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 863

FISCAL
NOTE

By Senator Morris

[Introduced February 9, 2026; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend and reenact §62-12-17 of the Code of West Virginia, 1931, as amended, relating
 2 to probation and parole; and increasing the amount of fees to be paid by parolees based on
 3 his or her ability to pay, not to exceed \$50 per month to defray the costs of supervision,
 4 which would be an increase from not to exceed \$40 to not to exceed \$50.

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 law
 5 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 section twelve, article eight, chapter sixty-one of this code, or
 12 article eight-b or eight-d of said chapter, or similar convictions from other jurisdictions where the
 13 parolee is returning or attempting to return to this state pursuant to the provisions of article six,
 14 chapter twenty-eight of this code, the parolee may not live in the same residence as any minor
 15 child nor exercise visitation with any minor child nor may he or she have any contact with the victim
 16 of the offense; and

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

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

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

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

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

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

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

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

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

45 (e) The Division of Corrections and Rehabilitation may order substance abuse treatment

46 as a condition or as a modification of parole, only if the standardized risk and needs assessment
47 indicates the offender has a high risk for reoffending and a need for substance abuse treatment.

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

NOTE: The purpose of this bill is to increase the amount of fees to be paid by parolees based on his or her ability to pay, not to exceed \$50 per month to defray the costs of supervision, which would be an increase from not to exceed \$40 to not to exceed \$50.

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