

SB 105

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SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



# ENROLLED

*COMMITTEE SUBSTITUTE FOR*  
SENATE BILL NO. 105

(By Senator BALL, ET AL)



PASSED APRIL 12, 1997

In Effect NINETY DAYS FROM Passage

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## ENROLLED

COMMITTEE SUBSTITUTE  
FOR

### Senate Bill No. 105

(SENATORS BALL, ANDERSON, LOVE, BOWMAN, SCHOONOVER,  
ROSS AND HELMICK, *original sponsors*)

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[Passed April 12, 1997; in effect ninety days from passage.]

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AN ACT to amend and reenact section twenty-three, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to notification of parole hearings; victims' right to be heard; and notification of parole release dates.

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

That section twenty-three, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**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  
2 convicted of murder, aggravated robbery, sexual assault  
3 in the first or second degree, kidnapping, child abuse  
4 resulting in injury, child neglect resulting in injury, arson  
5 or a sexual offense against a minor, the prosecuting  
6 attorney who prosecuted the offender shall prepare a  
7 "Parole Hearing Notification Form". This form shall  
8 contain the following information:

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

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

13 (3) The name of the prosecuting attorney or assistant  
14 prosecuting attorney who prosecuted the offender;

15 (4) The name of the judge who presided over the crimi-  
16 nal case and who sentenced the offender;

17 (5) The names of the law-enforcement agencies and  
18 officers who were primarily involved with the investiga-  
19 tion of the crime for which the offender was sentenced;  
20 and

21 (6) The names, addresses and telephone numbers of the  
22 victims of the crime for which the offender was sentenced  
23 or the names, addresses and telephone numbers of the  
24 immediate family members of each victim of the crime,  
25 including, but not limited to, each victim's spouse, father,  
26 mother, brothers and sisters.

27 (b) The prosecuting attorney shall retain the original of  
28 the "Parole Hearing Notification Form", and shall provide  
29 copies of it to the circuit court which sentenced the  
30 offender, the parole board, the commissioner of correc-  
31 tions and to all persons whose names and addresses are  
32 listed on the "Parole Hearing Notification Form".

33 (c) At least forty-five days prior to the date of a parole  
34 hearing, the parole board shall notify all persons who are  
35 listed on the "Parole Hearing Notification Form" of the  
36 date, time and place at which a parole hearing will be

37 held. Such notice shall be sent by certified mail, return  
38 receipt requested. The notice shall state that the victims  
39 of the crime have the right to submit a written statement  
40 to the parole board and to attend the parole hearing to be  
41 heard regarding the propriety of granting parole to the  
42 prisoner. The notice shall also state that only the victims  
43 may submit written statements and speak at the parole  
44 hearing unless a victim is deceased, is a minor or is  
45 otherwise incapacitated.

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

52 (e) If the parole board grants parole, it shall immediately  
53 set a date on which the prisoner will be released. Such  
54 date shall be no earlier than thirty days after the date on  
55 which parole is granted. On the date on which parole is  
56 granted, the parole board shall notify all persons listed on  
57 the "Parole Hearing Notification Form" that parole has  
58 been granted and that the prisoner will be released on a  
59 particular date. A written statement of reasons for  
60 releasing the prisoner, prepared pursuant to subdivision  
61 (4), subsection (d), section thirteen of this article, shall be  
62 provided upon request to all persons listed on the "Parole  
63 Hearing Notification Form".

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Randy Schorover*  
.....  
Chairman Senate Committee

*Vick Fantasia*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Carroll Holton*  
.....  
Clerk of the Senate

*Burgoyne D. King*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*P. F. King*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *2nd* .....  
day of *May* ....., 1997.

*Jeff Beaman*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

4/24/97

Time

8:24am