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HB 4018

FILED

2006 MAR 30 P 4: 06

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

House Bill No. 4018

(By Mr. Speaker, (Mr. Kiss) and Delegate Trump)
[By Request of the Executive]



Passed March 10, 2006

In Effect from Passage

FILED

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OFFICE WEST VIRGINIA
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E N R O L L E D

H. B. 4018

(BY MR. SPEAKER, (MR. KISS) AND DELEGATE TRUMP)
[BY REQUEST OF THE EXECUTIVE]

[Passed March 10, 2006; in effect from passage.]

AN ACT to amend and reenact §62-11C-2 and §62-11C-4 of the Code of West Virginia, 1931, as amended, all relating to the community corrections subcommittee of the Governor's Committee on Crime, Delinquency and Correction; meetings; funding.

Be it enacted by the Legislature of West Virginia:

That §62-11C-2 and §62-11C-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 11C. THE WEST VIRGINIA COMMUNITY CORRECTIONS ACT.

§62-11C-2. Community corrections subcommittee.

1 (a) A community corrections subcommittee of the Gover-
2 nor's Committee on crime, delinquency and correction is
3 hereby created and assigned responsibility for screening
4 community corrections programs submitted by community
5 criminal justice boards or from other entities authorized by the

6 provisions of this article to do so for approval for funding by
7 the Governor's Committee and for making recommendations as
8 to the disbursement of funds for approved community correc-
9 tions programs. The subcommittee is to be comprised of fifteen
10 members of the Governor's Committee including: A representa-
11 tive of the Division of Corrections, a representative of the
12 Regional Jail and Correctional Facility Authority, a person
13 representing the interests of victims of crime, an attorney
14 employed by a public defender corporation, an attorney who
15 practices criminal law, a prosecutor and a representative of the
16 West Virginia coalition against domestic violence. At the
17 discretion of the West Virginia Supreme Court of Appeals, the
18 Administrator of the Supreme Court of Appeals, a probation
19 officer and a circuit judge may serve on the subcommittee as ex
20 officio, nonvoting members.

21 (b) The subcommittee shall elect a chairperson and a vice
22 chairperson. The subcommittee shall meet quarterly. Special
23 meetings may be held upon the call of the chairperson, vice
24 chairperson or a majority of the members of the subcommittee.
25 A majority of the members of the subcommittee constitute a
26 quorum.

§62-11C-4. Special revenue account.

1 (a) There is hereby created in the State Treasury a special
2 revenue account to be known as the "West Virginia Community
3 Corrections Fund". Expenditures from the fund are for the
4 purposes set forth in subsection (e) of this section and are not
5 authorized from collections but are to be made only in accor-
6 dance with appropriation by the Legislature and in accordance
7 with the provisions of article three, chapter twelve of this code
8 and upon the fulfillment of the provisions set forth in article
9 two, chapter five-a of this code. The West Virginia Community
10 Corrections Fund may receive any gifts, grants, contributions
11 or other money from any source which is specifically desig-
12 nated for deposit in the fund.

13 (b) Beginning on the first day of July, two thousand six, in
14 addition to the fee required in section nine, article twelve of this

15 chapter, a fee not to exceed thirty-five dollars per month, unless
16 modified by legislative rule as provided in section three of this
17 article, is also to be collected from those persons on probation.
18 This fee is to be based upon the person's ability to pay. The
19 magistrate or circuit judge shall conduct a hearing prior to
20 imposition of probation and make a determination on the record
21 that the offender is able to pay the fee without undue hardship.
22 The magistrate clerk or circuit clerk shall collect all fees
23 imposed pursuant to this subsection and deposit them in a
24 separate account. Within ten calendar days following the
25 beginning of the calendar month, the magistrate clerk or circuit
26 clerk shall forward the amount deposited to the State Treasurer
27 to be credited to the West Virginia Community Corrections
28 Fund.

29 (c) Beginning on the effective date of this article, in
30 addition to the fee required in section five, article eleven-b of
31 this chapter, a fee not to exceed five dollars per day, unless
32 modified by legislative rule as provided in section three of this
33 article, is also to be collected from those persons on home
34 incarceration. The circuit judge, magistrate or municipal court
35 judge shall consider the person's ability to pay in determining
36 the imposition and amount of the fee. The circuit clerk, magis-
37 trate clerk or municipal court clerk shall collect all fees
38 imposed pursuant to this subsection and deposit them in a
39 separate account. Within ten calendar days following the
40 beginning of the calendar month, the circuit clerk or municipal
41 court clerk shall forward the amount deposited to the State
42 Treasurer to be credited to the West Virginia Community
43 Corrections Fund.

44 (d) Beginning on the first day of July, two thousand six, in
45 addition to the usual court costs in any criminal case taxed
46 against any defendant convicted in a municipal, magistrate or
47 circuit court, excluding municipal parking ordinances, a ten-
48 dollar fee shall be added. The circuit clerk, magistrate clerk or
49 municipal court clerk shall collect all fees imposed pursuant to
50 this subsection and deposit them in a separate account. Within
51 ten calendar days following the beginning of the calendar
52 month, the circuit clerk, magistrate court clerk and the municipi-

53 pal court clerk shall forward the amount deposited to the State
54 Treasurer to be credited to the West Virginia Community
55 Corrections Fund.

56 (e) The moneys of the West Virginia Community Correc-
57 tions Fund are to be disbursed by the Governor's Committee on
58 crime, delinquency and correction, upon recommendation by
59 the community corrections subcommittee, for the funding of
60 community corrections programs and to pay expenses of the
61 Governor's Committee in administering the provisions of this
62 article, which expenses may not in any fiscal year exceed ten
63 percent of the funds deposited to the special revenue account
64 during that fiscal year.

65 (f) Any disbursements from the West Virginia Community
66 Corrections Fund allocated for community corrections pro-
67 grams by the Governor's Committee may be made contingent
68 upon local appropriations or gifts in money or in kind for the
69 support of the programs. Any county commission of any county
70 or the governing body of a municipality may appropriate and
71 expend money for establishing and maintaining community
72 corrections programs.

73 (g) Nothing in this article may be construed to mandate
74 funding for the West Virginia Community Corrections Fund or
75 to require any appropriation by the Legislature.

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

Candy White
Chairman Senate Committee

R. Beun
Chairman House Committee

Originating in the House.

In effect from passage.

Darrell G. Housh
Clerk of the Senate

Suzanne M. Day
Clerk of the House of Delegates

Carl Roy Tomblin
President of the Senate

Tommy R. Swain
Speaker of the House of Delegates

The within *is approved* this the *30th*
day of *March* 2006.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

MAR 22 2006

Time 3:58 pm