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SB 166

FILED

2006 APR -4 P 4: 54

OFFICE OF THE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

SENATE BILL NO. 166

(By Senators Tomblin, Mr. President, and Spruill,
By REQUEST OF THE EXECUTIVE)

PASSED March 11, 2006

In Effect 90 days from Passage

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Senate Bill No. 166

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,
BY REQUEST OF THE EXECUTIVE)

[Passed March 11, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §62-12-12, §62-12-13, §62-12-18, §62-12-19, §62-12-23 and §62-12-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §62-12-12a, all relating to the West Virginia Parole Board; providing for the appointment, powers and duties of the West Virginia Parole Board; providing for the appointment of the Chairperson of the West Virginia Parole Board by the Governor; providing for the consideration of parole and parole revocation by panels of the board; and providing for panels of the board to conduct parole interviews, consider parolees for discharge from parole and hold any other hearings authorized by the board.

Be it enacted by the Legislature of West Virginia:

That §62-12-12, §62-12-13, §62-12-18, §62-12-19, §62-12-23 and §62-12-24 of the Code of West Virginia, 1931, as amended,

be amended and reenacted; and that said code be amended by adding thereto a new section, designated §62-12-12a, all to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-12. Parole board generally.

1 There shall be a state board of parole, known as the
2 “West Virginia Parole Board”. The board shall consist of
3 nine members, each of whom shall have been a resident of
4 this state for at least five consecutive years prior to his or
5 her appointment. No more than five of the board members
6 may at any one time belong to the same political party.
7 The board shall be appointed by the Governor, by and
8 with the advice and consent of the Senate. Appointments
9 following the effective date of this section shall be made in
10 such a manner that each congressional district is repre-
11 sented and so that no more than four and no less than two
12 members of the board reside in any one congressional
13 district. No more than two members of the board may
14 reside in any one county. Each member of the board shall
15 have a degree in criminal justice or like experience and
16 academic training and shall be otherwise competent to
17 perform the duties of his or her office. The members shall
18 be appointed for overlapping terms of six years. Any
19 member qualified under this section is eligible for reap-
20 pointment. The members of the board shall devote their
21 full time and attention to their board duties. The Gover-
22 nor shall appoint one of the nine appointed members to
23 serve as chairperson at the Governor’s will and pleasure.

§62-12-12a. Parole board panels.

1 (a) The board shall sit in panels of three members for the
2 purpose of conducting hearings and making determina-
3 tions concerning the release of any inmate on parole,
4 conducting hearings and making determinations regarding
5 the revocation of parole, considering any eligible parolee
6 for release from further supervision and discharge from

7 parole, conducting parole interviews and conducting any
8 other hearing provided for in this article. Membership on
9 each panel shall be appointed on a rotating basis by the
10 chairperson of the board. Two members of each panel
11 shall constitute a quorum for the transaction of official
12 business.

13 (b) When the board sits in panels as herein authorized,
14 each panel shall act in the same manner and under the
15 same authority as the full board. All authority, duties,
16 powers and responsibilities of the board on any matter
17 brought before the panel for hearing shall be exercised by
18 the panel as though heard and decided by the full board.
19 Decisions of each panel shall constitute a decision of the
20 board. All procedures of the board relating to the conduct
21 of hearings shall apply to hearings before the panels of the
22 board.

**§62-12-13. Powers and duties of board; eligibility for parole;
procedure for granting parole.**

1 (a) The board of parole, whenever it is of the opinion that
2 the best interests of the state and of the inmate will be
3 served, and subject to the limitations hereinafter provided,
4 shall release any inmate on parole for terms and upon
5 conditions as are provided by this article.

6 (b) Any inmate of a state correctional center is eligible
7 for parole if he or she:

8 (1) (A) Has served the minimum term of his or her
9 indeterminate sentence or has served one fourth of his or
10 her definite term sentence, as the case may be, except that
11 in no case is any person who committed, or attempted to
12 commit a felony with the use, presentment or brandishing
13 of a firearm, eligible for parole prior to serving a minimum
14 of three years of his or her sentence or the maximum
15 sentence imposed by the court, whichever is less: *Provided*,
16 That any person who committed, or attempted to commit,
17 any violation of section twelve, article two, chapter sixty-

18 one of this code, with the use, presentment or brandishing
19 of a firearm, is not eligible for parole prior to serving a
20 minimum of five years of his or her sentence or one third
21 of his or her definite term sentence, whichever is greater.
22 Nothing in this section applies to an accessory before the
23 fact or a principal in the second degree who has been
24 convicted as if he or she were a principal in the first degree
25 if, in the commission of or in the attempted commission of
26 the felony, only the principal in the first degree used,
27 presented or brandished a firearm. No person is ineligible
28 for parole under the provisions of this subdivision because
29 of the commission or attempted commission of a felony
30 with the use, presentment or brandishing of a firearm
31 unless such fact is clearly stated and included in the
32 indictment or presentment by which the person was
33 charged and was either: (i) Found by the court at the time
34 of trial upon a plea of guilty or nolo contendere; or (ii)
35 found by the jury, upon submitting to the jury a special
36 interrogatory for such purpose if the matter was tried
37 before a jury; or (iii) found by the court, if the matter was
38 tried by the court without a jury.

39 For the purpose of this section, the term "firearm"
40 means any instrument which will, or is designed to, or may
41 readily be converted to, expel a projectile by the action of
42 an explosive, gunpowder or any other similar means.

43 (B) The amendments to this subsection adopted in the
44 year one thousand nine hundred eighty-one:

45 (i) Apply to all applicable offenses occurring on or after
46 the first day of August of that year;

47 (ii) Apply with respect to the contents of any indictment
48 or presentment returned on or after the first day of August
49 of that year irrespective of when the offense occurred;

50 (iii) Apply with respect to the submission of a special
51 interrogatory to the jury and the finding to be made
52 thereon in any case submitted to the jury on or after the

53 first day of August of that year or to the requisite findings
54 of the court upon a plea of guilty or in any case tried
55 without a jury: *Provided*, That the state gives notice in
56 writing of its intent to seek such finding by the jury or
57 court, as the case may be, which notice shall state with
58 particularity the grounds upon which the finding will be
59 sought as fully as such grounds are otherwise required to
60 be stated in an indictment, unless the grounds therefor are
61 alleged in the indictment or presentment upon which the
62 matter is being tried; and

63 (iv) Does not apply with respect to cases not affected by
64 the amendments and in such cases the prior provisions of
65 this section apply and are construed without reference to
66 the amendments.

67 Insofar as the amendments relate to mandatory sen-
68 tences restricting the eligibility for parole, all matters
69 requiring a mandatory sentence shall be proved beyond a
70 reasonable doubt in all cases tried by the jury or the court.

71 (2) Is not in punitive segregation or administrative
72 segregation as a result of disciplinary action;

73 (3) Has maintained a record of good conduct in prison
74 for a period of at least three months immediately preced-
75 ing the date of his or her release on parole;

76 (4) Has submitted to the board a written parole release
77 plan setting forth proposed plans for his or her place of
78 residence, employment and, if appropriate, his or her plans
79 regarding education and post-release counseling and
80 treatment, the parole release plan having been approved
81 by the Commissioner of Corrections or his or her autho-
82 rized representative; and

83 (5) Has satisfied the board that if released on parole he
84 or she will not constitute a danger to the community.

85 (c) Except in the case of a person serving a life sentence,
86 no person who has been previously twice convicted of a

87 felony may be released on parole until he or she has served
88 the minimum term provided by law for the crime for which
89 he or she was convicted. No person sentenced for life may
90 be paroled until he or she has served ten years, and no
91 person sentenced for life who has been previously twice
92 convicted of a felony may be paroled until he or she has
93 served fifteen years: *Provided*, That no person convicted of
94 first degree murder for an offense committed on or after
95 the tenth day of June, one thousand nine hundred ninety-
96 four, is eligible for parole until he or she has served fifteen
97 years.

98 (d) In the case of a person sentenced to any state correc-
99 tional center, it is the duty of the board, as soon as a
100 person becomes eligible, to consider the advisability of his
101 or her release on parole.

102 (e) If, upon consideration, parole is denied, the board
103 shall promptly notify the inmate of the denial. The board
104 shall, at the time of denial, notify the person of the month
105 and year he or she may apply for reconsideration and
106 review. The board shall at least once a year reconsider and
107 review the case of every inmate who was denied parole and
108 is still eligible: *Provided*, That the board may reconsider
109 and review parole eligibility any time within three years
110 following the denial of parole of a person serving a life
111 sentence.

112 (f) Any person serving a sentence on a felony conviction
113 who becomes eligible for parole consideration prior to
114 being transferred to a state correctional center may make
115 written application for parole. The terms and conditions
116 for parole consideration established by this article apply
117 to such inmates.

118 (g) The board shall, with the approval of the Governor,
119 adopt rules governing the procedure in the granting of
120 parole. No provision of this article and none of the rules
121 adopted hereunder are intended or may be construed to
122 contravene, limit or otherwise interfere with or affect the

123 authority of the Governor to grant pardons and reprieves,
124 commute sentences, remit fines or otherwise exercise his
125 or her constitutional powers of executive clemency.

126 (h) The Division of Corrections is charged with the duty
127 of supervising all probationers and parolees whose super-
128 vision may have been undertaken by this state by reason
129 of any interstate compact entered into pursuant to the
130 uniform act for out-of-state parolee supervision.

131 (i) (1) When considering an inmate of a state correctional
132 center for release on parole, the parole board panel
133 considering the parole is to have before it an authentic
134 copy of or report on the inmate's current criminal record
135 as provided through the West Virginia State Police, the
136 United States Department of Justice or other reliable
137 criminal information sources and written reports of the
138 warden or superintendent of the state correctional center
139 to which such inmate is sentenced:

140 (i) On the inmate's conduct record while in custody,
141 including a detailed statement showing any and all
142 infractions of disciplinary rules by the inmate and the
143 nature and extent of discipline administered therefor;

144 (ii) On improvement or other changes noted in the
145 inmate's mental and moral condition while in custody,
146 including a statement expressive of the inmate's current
147 attitude toward society in general, toward the judge who
148 sentenced him or her, toward the prosecuting attorney who
149 prosecuted him or her, toward the policeman or other
150 officer who arrested the inmate and toward the crime for
151 which he or she is under sentence and his or her previous
152 criminal record;

153 (iii) On the inmate's industrial record while in custody
154 which shall include: The nature of his or her work, occupa-
155 tion or education, the average number of hours per day he
156 or she has been employed or in class while in custody and
157 a recommendation as to the nature and kinds of employ-

158 ment which he or she is best fitted to perform and in which
159 the inmate is most likely to succeed when he or she leaves
160 prison;

161 (iv) On physical, mental and psychiatric examinations of
162 the inmate conducted, insofar as practicable, within the
163 two months next preceding parole consideration by the
164 board.

165 (2) The board panel considering the parole may waive
166 the requirement of any report when not available or not
167 applicable as to any inmate considered for parole but, in
168 every such case, shall enter in the record thereof its reason
169 for the waiver: *Provided*, That in the case of an inmate
170 who is incarcerated because the inmate has been found
171 guilty of, or has pleaded guilty to, a felony under the
172 provisions of section twelve, article eight, chapter sixty-
173 one of this code or under the provisions of article eight-b
174 or eight-c of said chapter, the board panel may not waive
175 the report required by this subsection and the report is to
176 include a study and diagnosis including an on-going
177 treatment plan requiring active participation in sexual
178 abuse counseling at an approved mental health facility or
179 through some other approved program: *Provided, however*,
180 That nothing disclosed by the person during the study or
181 diagnosis may be made available to any law-enforcement
182 agency, or other party without that person's consent, or
183 admissible in any court of this state, unless the informa-
184 tion disclosed indicates the intention or plans of the
185 parolee to do harm to any person, animal, institution or to
186 property. Progress reports of outpatient treatment are to
187 be made at least every six months to the parole officer
188 supervising the person. In addition, in such cases, the
189 parole board shall inform the prosecuting attorney of the
190 county in which the person was convicted of the parole
191 hearing and shall request that the prosecuting attorney
192 inform the parole board of the circumstances surrounding
193 a conviction or plea of guilty, plea bargaining and other
194 background information that might be useful in its
195 deliberations.

196 (j) Before releasing any inmate on parole, the board of
197 parole shall arrange for the inmate to appear in person
198 before a parole board panel and the panel may examine
199 and interrogate him or her on any matters pertaining to his
200 or her parole, including reports before the board made
201 pursuant to the provisions hereof: *Provided*, That an
202 inmate may appear by video teleconference if the members
203 of the panel conducting the examination are able to
204 contemporaneously see the inmate and hear all of his or
205 her remarks and if the inmate is able to contemporane-
206 ously see each of the members of the panel conducting the
207 examination and hear all of the members' remarks. The
208 panel shall reach its own written conclusions as to the
209 desirability of releasing the inmate on parole and the
210 majority of the panel considering the release shall concur
211 in the decision. The warden or superintendent shall
212 furnish all necessary assistance and cooperate to the
213 fullest extent with the parole board. All information,
214 records and reports received by the board are to be kept on
215 permanent file.

216 (k) The board and its designated agents are at all times
217 to have access to inmates imprisoned in any state correc-
218 tional center or in any city, county or regional jail in this
219 state and shall have the power to obtain any information
220 or aid necessary to the performance of its duties from
221 other departments and agencies of the state or from any
222 political subdivision thereof.

223 (l) The board shall, if so requested by the Governor,
224 investigate and consider all applications for pardon,
225 reprieve or commutation and shall make recommendation
226 thereon to the Governor.

227 (m) Prior to making a recommendation for pardon,
228 reprieve or commutation and prior to releasing any inmate
229 on parole, the board shall notify the sentencing judge and
230 prosecuting attorney at least ten days before the recom-
231 mendation or parole.

232 (n) Any person released on parole shall participate as a
233 condition of parole in the litter control program of the
234 county to the extent directed by the board, unless the
235 board specifically finds that this alternative service would
236 be inappropriate.

§62-12-18. Period of parole; discharge.

1 The period of parole shall be the maximum of any
2 sentence, less deductions for good conduct and work as
3 provided by law, for which the paroled inmate, at the time
4 of release, was subject to imprisonment under his or her
5 definite or indeterminate sentence, as the case may be:
6 *Provided*, That any time after a parolee has been on parole
7 for a period of one year from the date of his or her release,
8 a panel of the board may, when in its judgment the ends of
9 parole have been attained and the best interests of the
10 state and the parolee will be served thereby, release the
11 parolee from further supervision and discharge him or her
12 from parole: *Provided, however*, That no inmate sentenced
13 to serve a life term of imprisonment and released on parole
14 shall be discharged from supervision and parole in a
15 period less than five years from the date of his or her
16 release on parole.

17 No parolee who has violated the terms of his or her
18 release on parole by confession to, or being convicted of, in
19 any state of the United States, the District of Columbia or
20 the territorial possessions of the United States, the crime
21 of treason, murder, aggravated robbery, first degree sexual
22 assault, second degree sexual assault, a sexual offense
23 against a minor, incest or offenses with the same essential
24 elements if known by other terms in other jurisdictions
25 shall be discharged from parole. A parolee serving a
26 sentence in any correctional facility of another state or the
27 United States may, unless incarcerated for one of the
28 above enumerated crimes, be discharged from parole while
29 so serving his or her sentence in said correctional facility
30 or be continued on parole or returned to West Virginia as
31 a parole violator, in the discretion of the parole board.

§62-12-19. Violation of parole.

1 (a) If at any time during the period of parole there is
2 reasonable cause to believe that the parolee has violated
3 any of the conditions of his or her release on parole, the
4 parole officer may arrest him or her with or without an
5 order or warrant, or the Commissioner of Corrections may
6 issue a written order or warrant for his or her arrest,
7 which written order or warrant is sufficient for his or her
8 arrest by any officer charged with the duty of executing an
9 ordinary criminal process. The commissioner's written
10 order or warrant delivered to the sheriff against the
11 paroled prisoner shall be a command to keep custody of
12 the parolee for the jurisdiction of the Division of Correc-
13 tions and during the period of custody, the parolee may be
14 admitted to bail by the court before which the parolee was
15 sentenced. If the parolee is not released on a bond, the
16 costs of confining the paroled prisoner shall be paid out of
17 the funds appropriated for the Division of Corrections.

18 (b) When a parolee is under arrest for violation of the
19 conditions of his or her parole, he or she shall be given a
20 prompt and summary hearing before a panel of the board,
21 at which the parolee and his or her counsel are given an
22 opportunity to attend. If at the hearing it appears to the
23 satisfaction of the panel that the parolee has violated any
24 condition of his or her release on parole, or any rules or
25 conditions of his or her supervision, the panel may revoke
26 his or her parole and may require him or her to serve in
27 prison the remainder or any portion of his or her maxi-
28 mum sentence for which, at the time of his or her release,
29 he or she was subject to imprisonment: *Provided*, That if
30 the violation of the conditions of parole or rules for his or
31 her supervision is not a felony as set out in section eigh-
32 teen of this article, the panel may, if in its judgment the
33 best interests of justice do not require revocation, reinstate
34 him or her on parole. The Division of Corrections shall
35 effect release from custody upon approval of a home plan.
36 Notwithstanding any provision of this code to the con-
37 trary, when reasonable cause has been found to believe

38 that a parolee has violated the conditions of his or her
39 parole but the violation does not constitute felonious
40 conduct, the commissioner may, in his or her discretion
41 and with the written consent of the parolee, allow the
42 parolee to remain on parole with additional conditions or
43 restrictions. The additional conditions or restrictions may
44 include, but are not limited to, participation in any
45 program described in subsection (d), section five, article
46 eleven-c of this chapter. Compliance by the parolee with
47 the conditions of parole precludes revocation of parole for
48 the conduct which constituted the violation. Failure of the
49 parolee to comply with the conditions or restrictions and
50 all other conditions of release is an additional violation of
51 parole and the parolee may be proceeded against under the
52 provisions of this section for the original violation as well
53 as any subsequent violations.

54 (c) When a parolee has violated the conditions of his or
55 her release on parole by confession to, or being convicted
56 of, any of the crimes set forth in section eighteen of this
57 article, he or she shall be returned to the custody of the
58 Division of Corrections to serve the remainder of his or her
59 maximum sentence, during which remaining part of his or
60 her sentence he or she is ineligible for further parole.

61 (d) Whenever the parole of a paroled prisoner has been
62 revoked, the commissioner shall, upon receipt of the
63 panel's written order of revocation, convey and transport
64 the paroled prisoner to a state correctional institution. A
65 paroled prisoner whose parole has been revoked shall
66 remain in custody of the sheriff until delivery to a correc-
67 tions officer sent and duly authorized by the commissioner
68 for the removal of the paroled prisoner to a state penal
69 institution; the cost of confining the paroled prisoner shall
70 be paid out of the funds appropriated for the Division of
71 Corrections.

72 (e) When a paroled prisoner is convicted of, or confesses
73 to, any one of the crimes enumerated in section eighteen of
74 this article, it is the duty of the board to cause him or her

75 to be returned to this state for a summary hearing as
76 provided by this article. Whenever a parolee has ab-
77 sconded supervision, the commissioner shall issue a
78 warrant for his or her apprehension and return to this
79 state for the hearing provided for in this article: *Provided,*
80 That the panel considering revocation may, if it determines
81 the best interests of justice do not require revocation,
82 cause the paroled absconder to be reinstated to parole.

83 (f) A warrant filed by the commissioner shall stay the
84 running of his or her sentence until the parolee is returned
85 to the custody of the Division of Corrections and physi-
86 cally in West Virginia.

87 (g) Whenever a parolee who has absconded supervision
88 or has been transferred out of this state for supervision
89 pursuant to section one, article six, chapter twenty-eight
90 of this code is returned to West Virginia due to a violation
91 of parole and costs are incurred by the Division of Correc-
92 tions, the commissioner may assess reasonable costs from
93 the parolee's inmate funds or the parolee as reimburse-
94 ment to the Division of Corrections for the costs of return-
95 ing him or her to West Virginia.

96 (h) Conviction of a felony for conduct occurring during
97 the period of parole is proof of violation of the conditions
98 of parole and the hearing procedures required by the
99 provisions of this section are inapplicable.

100 (i) The Commissioner of the Division of Corrections may
101 issue subpoenas for persons and records necessary to prove
102 a violation of the terms and conditions of a parolee's
103 parole either at a preliminary hearing or at a final hearing
104 before a panel of the Parole Board. The subpoenas shall be
105 served in the same manner provided in the Rules of
106 Criminal Procedure. The subpoenas may be enforced by
107 the commissioner through application or petition of the
108 commissioner to the circuit court for contempt or other
109 relief.

§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 in
3 the first or second degree, kidnapping, child abuse result-
4 ing in injury, child neglect resulting in injury, arson or a
5 sexual offense against a minor, the prosecuting attorney
6 who prosecuted the offender shall prepare a "Parole
7 Hearing Notification Form". This form shall contain the
8 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 criminal
16 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 panel considering the parole shall inquire during
47 the parole hearing as to whether the victims of the crime
48 or their representatives, as provided in this section, are
49 present. If so, the panel shall permit those persons to
50 speak at the hearing regarding the propriety of granting
51 parole for the prisoner.

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

**§62-12-24. Request to continue for good cause and timely notice
required.**

1 (a) Any inmate scheduled for a parole interview shall, if
2 he or she desires to continue the interview, file with the
3 institutional parole officer a written waiver of his or her

4 right to an interview on the date set on a form provided by
5 the commissioner of corrections at least thirty days prior
6 to the interview date. A copy of the waiver shall be
7 supplied to the board of parole.

8 (b) The board shall propose for promulgation a legisla-
9 tive rule pursuant to article three, chapter twenty-nine-a
10 of this code setting forth criteria constituting emergency
11 circumstances where a waiver of interview filed less than
12 thirty days prior to the scheduled interview shall consti-
13 tute good cause for a continuance.

14 (c) Any inmate failing to appear for his or her scheduled
15 parole interview who has not waived his or her interview
16 pursuant to subsection (a) or (b) of this section shall be
17 deemed to have waived his or her right to a parole inter-
18 view for a period of twelve months from the date of the
19 interview at which he or she failed to appear. The panel
20 conducting the interview shall have discretion to reset the
21 interview with notice to the inmate and any other person
22 or persons entitled by law to notice, prior to the expiration
23 of the twelve-month waiver period.

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

Candy White
.....
Chairman Senate Committee

K. Beun
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell Holmes
.....
Clerk of the Senate

Bruce M. Bay
.....
Clerk of the House of Delegates

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

Robert J.
.....
Speaker House of Delegates

The within is approved this the 4th
Day of April, 2006.

Paul Marshall
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 31 2006

Time 10:30am