

SB 192 S

FILED

2007 MAR 28 PM 2:39

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

CECILIA A. MOYER
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 192

(SENATORS LOVE, HUNTER, WHITE,
MCKENZIE AND PLYMALE, *original sponsors*)

[Passed March 9, 2007; in effect ninety days from passage.]

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(SENATORS LOVE, HUNTER, WHITE,
MCKENZIE AND PLYMALE, *original sponsors*)

[Passed March 9, 2007; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-8-8, relating to authorizing the Commissioner of the Division of Corrections to issue orders of arrest for certain inmates who are no longer in the physical custody of the commissioner; allowing division personnel to obtain criminal complaints and warrants for escapees and absconders; and entering data into all criminal reporting

Enr. Com. Sub. for S. B. No. 192] 2

databases and other computerized systems for the reporting and apprehension of criminals and fugitives.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §62-8-8, to read as follows:

ARTICLE 8. CRIMES BY AND PROCEEDINGS AGAINST INMATES.

§62-8-8. Orders and warrants for arrest of inmates; authorization to obtain arrest warrants.

1 (a) Notwithstanding any provision of this code to the
2 contrary, the Commissioner of the Division of
3 Corrections, or his or her designee, may issue an order
4 of arrest for inmates who have been released from the
5 custody of the division due to a clerical error, mistake
6 or due to the failure of a sentencing court to timely
7 transmit an order of commitment prior to the release of
8 an inmate from the commissioner's custody or to the
9 commissioner's custody. All law-enforcement officers
10 shall honor and enforce orders of arrest in the same
11 manner afforded warrants of arrest issued by
12 magistrate or circuit courts notwithstanding any
13 provision of this code to the contrary.

14 (b) The Commissioner of the Division of
15 Corrections, or his or her designee, may file criminal
16 complaints and obtain from a court of competent
17 jurisdiction an arrest warrant for any inmate under
18 commitment to the commissioner for service of a
19 sentence of incarceration who has escaped from a
20 facility or otherwise absconded from a furlough or
21 temporary release.

22 (c) The Commissioner of the Division of Corrections,
23 or his or her designee, may enter such orders of arrest or
24 warrants referred to in this section into all criminal
25 reporting databases and other computerized systems
26 utilized by law enforcement for the reporting and
27 apprehension of criminals and fugitives.

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

White
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Carroll Phelps
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

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

[Signature]
.....
Speaker House of Delegates

The within *is approved* this
the *28th* Day of *March*, 2007.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 20 2007

Time 3:45pm