

HB 2737

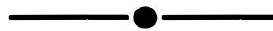
FILED

2009 MAY -4 PM 3: 18

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2009

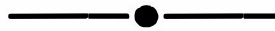


ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2737

(By Delegates Webster, Frazier, Longstreth and Sobonya)



Passed April 11, 2009

In Effect Ninety Days from Passage

ENROLLED
COMMITTEE SUBSTITUTE

FOR

H. B. 2737

FILED

2009 MAY -4 PM 3: 18

**OFFICE WEST VIRGINIA
SECRETARY OF STATE**

(BY DELEGATES WEBSTER, FRAZIER, LONGSTRETH AND
SOBONYA)

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §62-12-5 of the Code of West Virginia, 1931, as amended, relating to authorizing the Administrative Director of the Supreme Court of Appeals to hire multi-judicial-circuit probation officers.

Be it enacted by the Legislature of West Virginia:

That §62-12-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-5. Probation officers and assistants.

- 1 (a) Each circuit court, subject to the approval of the
- 2 Supreme Court of Appeals and in accordance with its rules,
- 3 is authorized to appoint one or more probation officers and
- 4 clerical assistants.

81:8 119 4-5 (b) The appointment of probation officers and clerical
6 assistants shall be in writing and entered on the order book of
7 the court by the judge making such appointment and a copy
8 of said order of appointment shall be delivered to the
9 Administrative Director of the Supreme Court of Appeals.
10 The order of appointment shall state the monthly salary, fixed
11 by the judge and approved by the Supreme Court of Appeals,
12 to be paid to the probation officer or clerical assistants so
13 appointed.

14 (c) The salary of probation officers and clerical assistants
15 shall be paid monthly or semimonthly, as the Supreme Court
16 of Appeals by rule may direct and they shall be reimbursed
17 for all reasonable and necessary expenses actually incurred
18 in the line of duty in the field. The salary and expenses shall
19 be paid by the state from the judicial accounts thereof. The
20 county commission shall provide adequate office space for
21 the probation officer and his or her assistants to be approved
22 by the appointing court. The equipment and supplies as may
23 be needed by the probation officer and his or her assistants
24 shall be provided by the state and the cost thereof shall be
25 charged against the judicial accounts of the state.

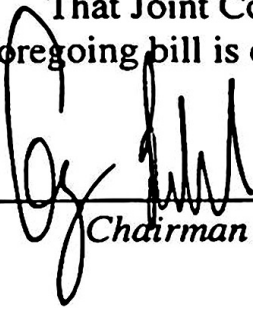
26 (d) No judge may appoint any probation officer, assistant
27 probation officer or clerical assistant who is related to him or
28 her either by consanguinity or affinity.

29 (e) Subject to the approval of the Supreme Court of
30 Appeals and in accordance with its rules, a judge of a circuit
31 court whose circuit comprises more than one county may
32 appoint a probation officer and a clerical assistant in each
33 county of the circuit or may appoint the same persons to
34 serve in these respective positions in two or more counties in
35 the circuit.

36 (f) Nothing contained in this section alters, modifies,
37 affects or supersedes the appointment or tenure of any
38 probation officer, medical assistant or psychiatric assistant
39 appointed by any court under any special act of the
40 Legislature heretofore enacted, and the salary or
41 compensation of those persons shall remain as specified in
42 the most recent amendment of any special act until changed
43 by the court, with approval of the Supreme Court of Appeals,
44 by order entered of record, and any such salary or
45 compensation shall be paid out of the state treasury.

46 (g) In order to carry out the probation responsibilities set
47 forth in section twenty-six, article twelve, chapter sixty-two
48 of this code, the Administrative Director of the Supreme
49 Court of Appeals, or his or her designee, in accordance with
50 the court's procedures, is authorized to hire multi-judicial-
51 circuit probation officers, to be employed through the court's
52 Division of Probation Services.

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



Chairman Senate Committee



Chairman House Committee

Originating in the House.

In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

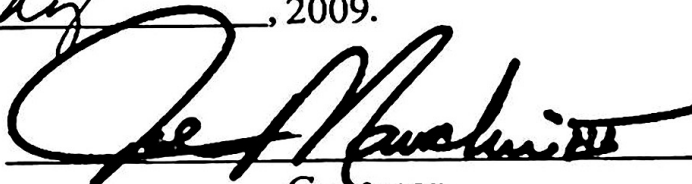


President of the Senate



Speaker of the House of Delegates

The within is appended this the 4th
day of May, 2009.



Governor

PRESENTED TO THE
GOVERNOR

APR 30 2009

Time: 3:20 pm