

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 375**

4 (By Senator Trump)

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6 [Originating in the Committee on the Judiciary;

7 reported February 3, 2015.]

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11 A BILL to amend and reenact §62-12-23 of the Code of West Virginia, 1931, as amended, relating  
12 to specifying who receives notice of parole hearings via regular or certified mail.

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

14 That §62-12-23 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
15 to read as follows:

16 **ARTICLE 12. PROBATION AND PAROLE.**

17 **§62-12-23. Notification of parole hearing; victim's right to be heard; notification of release on**  
18 **parole.**

19 (a) Following the sentencing of a person who has been convicted of murder, aggravated  
20 robbery, sexual assault in the first or second degree, kidnaping, child abuse resulting in injury, child  
21 neglect resulting in injury, arson or a sexual offense against a minor, the prosecuting attorney who  
22 prosecuted the offender shall prepare a Parole Hearing Notification Form. This form shall contain  
23 the following information:

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

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

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

5 (4) The name of the judge who presided over the criminal case and who sentenced the  
6 offender;

7 (5) The names of the law-enforcement agencies and officers who were primarily involved  
8 with the investigation of the crime for which the offender was sentenced; and

9 (6) The names, addresses and telephone numbers of the victims of the crime for which the  
10 offender was sentenced or the names, addresses and telephone numbers of the immediate family  
11 members of each victim of the crime, including, but not limited to, each victim's spouse, father,  
12 mother, brothers, sisters and any adult household member residing with the victim.

13 (b) The prosecuting attorney shall retain the original of the Parole Hearing Notification Form  
14 and shall provide copies of it to the circuit court which sentenced the offender, the Parole Board, the  
15 Commissioner of Corrections and to all persons whose names and addresses are listed on the form.

16 (c) At least forty-five days prior to the date of a parole hearing, the Parole Board shall notify  
17 all persons who are listed on the Parole Hearing Notification Form, including the circuit court which  
18 sentenced the offender and office of the prosecuting attorney that prosecuted the offender, of the  
19 date, time and place of the hearing. Such notice to law-enforcement agencies and officers who were  
20 primarily involved with the investigation of the crime for which the offender was sentenced shall be  
21 sent by regular mail, properly addressed and postage prepaid. Notice to the prosecuting attorney who  
22 prosecuted the offender, the judge who presided over the criminal case and sentencing of the  
23 offender and victims of the crime for which the offender was sentenced or the immediate family

1 members of each victim of the crime shall be sent by certified mail, return receipt requested. The  
2 notice shall state that the victims of the crime have the right to submit a written statement to the  
3 Parole Board and to attend the parole hearing to be heard regarding the propriety of granting parole  
4 to the prisoner. The notice shall also state that only the victims may submit written statements and  
5 speak at the parole hearing unless a victim is deceased, is a minor or is otherwise incapacitated.

6 (d) The panel considering the parole shall inquire during the parole hearing as to whether the  
7 victims of the crime or their representatives, as provided in this section, are present. If so, the panel  
8 shall permit those persons to speak at the hearing regarding the propriety of granting parole for the  
9 prisoner.

10 (e) If the panel grants parole, it shall immediately set a date on which the prisoner will be  
11 released. Such date shall be no earlier than thirty days after the date on which parole is granted. On  
12 the date on which parole is granted, the Parole Board shall notify all persons listed on the Parole  
13 Hearing Notification Form, including the circuit court which sentenced the offender and office of  
14 the prosecuting attorney that prosecuted the offender, that parole has been granted and the date of  
15 release. This notice shall be sent by ~~certified mail, return receipt requested~~; the method prescribed  
16 in subsection (c) of this section. A written statement of reasons for releasing the prisoner, prepared  
17 pursuant to subsection (b), section thirteen of this article, shall be provided upon request to all  
18 persons listed on the Parole Hearing Notification Form, including the circuit court which sentenced  
19 the offender and office of the prosecuting attorney that prosecuted the offender.

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(NOTE: The purpose of this bill is to specify who receives notice of parole hearings via regular or certified mail.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)