

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2721

FISCAL
NOTE

2015 Carryover

(BY DELEGATES HAMILTON, MOORE, A. EVANS AND
CANTERBURY)

[Introduced January 13, 2016; referred to the
Committee on the Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 12. PROBATION AND PAROLE.

**§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 convicted of murder, aggravated
2 robbery, sexual assault in the first or second degree, kidnaping, child abuse resulting in injury,
3 child neglect resulting in injury, arson or a sexual offense against a minor, the prosecuting attorney
4 who prosecuted the offender shall prepare a Parole Hearing Notification Form. This form shall
5 contain the following information:

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

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

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

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

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

14 (6) The names, addresses and telephone numbers of the victims of the crime for which
15 the offender was sentenced or the names, addresses and telephone numbers of the immediate
16 family members of each victim of the crime, including, but not limited to, each victim's spouse,

17 father, mother, brothers, sisters and any adult household member residing with the victim.

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

22 (c) At least forty-five days prior to the date of a parole hearing, the Parole Board shall
23 notify all persons who are listed on the Parole Hearing Notification Form, including the circuit court
24 which sentenced the offender and office of the prosecuting attorney that prosecuted the offender,
25 of the date, time and place of the hearing. Such notice to law-enforcement agencies and officers
26 who were primarily involved with the investigation of the crime for which the offender was
27 sentenced shall be sent by regular mail, properly addressed and postage prepaid. Notice to the
28 prosecuting attorney who prosecuted the offender, the judge who presided over the criminal case
29 and sentencing of the offender and victims of the crime for which the offender was sentenced or
30 the immediate family members of each victim of the crime shall be sent by certified mail, return
31 receipt requested. The notice shall state that the victims of the crime have the right to submit a
32 written statement to the Parole Board and to attend the parole hearing to be heard regarding the
33 propriety of granting parole to the prisoner. The notice shall also state that only the victims may
34 submit written statements and speak at the parole hearing unless a victim is deceased, is a minor
35 or is otherwise incapacitated.

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

40 (e) If the panel grants parole, it shall immediately set a date on which the prisoner will be

41 released. Such date shall be no earlier than thirty days after the date on which parole is granted.
42 On the date on which parole is granted, the Parole Board shall notify all persons listed on the
43 Parole Hearing Notification Form, including the circuit court which sentenced the offender and
44 office of the prosecuting attorney that prosecuted the offender, that parole has been granted and
45 the date of release. This notice shall be sent by certified mail, return receipt requested. A written
46 statement of reasons for releasing the prisoner, prepared pursuant to subsection (b), section
47 thirteen of this article, shall be provided upon request to all persons listed on the Parole Hearing
48 Notification Form, including the circuit court which sentenced the offender and office of the
49 prosecuting attorney that prosecuted the offender.

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.