

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 455

BY SENATORS TRUMP, WELD, MILLER AND GAUNCH

[Originating in the Committee on the Judiciary;

reported on March 10, 2017]

1 A BILL to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended, relating
2 generally to commitment of persons to the custody of the Commissioner of Corrections;
3 updating the commitment order form sentencing courts are required to complete when
4 committing a person to the custody of the Commissioner of Corrections; requiring that the
5 commitment order contain certain information; and clarifying that the circuit clerk of the
6 court is required to transmit certified copies of the commitment order to the Commissioner
7 of the Division of Corrections and the West Virginia Regional Jail Authority upon entry.

Be it enacted by the Legislature of West Virginia:

1 That §62-7-10 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 7. EXECUTION OF SENTENCES; STAYS.

§62-7-10. Commitment paper.

1 The clerk of a court in which a person is sentenced to serve a period of incarceration in a
2 state any penal institution correctional facility in the State of West Virginia shall transmit to the
3 warden or superintendent of said institution Commissioner of the Division of Corrections and the
4 West Virginia Regional Jail Authority a certified commitment paper ~~Said paper shall be in the~~
5 ~~following form~~ order same as, or similar to, the form provided in this section. If a commitment
6 order in a form other than the one provided in this section is issued, the commitment order is
7 required, at a minimum, to contain the same information.

8 Court of County,

9 West Virginia

10 State of West Virginia

11 v. No.

12 On this day of 19..... came the attorney for the state and the defendant appearing in
13 person and it is adjudged that the defendant has been convicted (found guilty by a jury) (upon
14 plea of guilty) of the offense of as charged and the Court having asked the

15 defendant whether he (she) has anything to say why judgment should not be pronounced, and no
16 sufficient cause to the contrary being shown or appearing to the Court, It is adjudged that the
17 defendant is guilty as charged and convicted. It is adjudged that the defendant is hereby
18 committed to the custody of the Warden of the West Virginia Penitentiary (Superintendent of the
19 West Virginia State Prison for Women) or his or her (her) authorized representative for
20 imprisonment for a period of

21 Conviction Date:

22 Sentence Date:

23 Effective Sentence Date:

24 It is adjudged that.....

25 It is ordered that the Clerk forthwith transmit this record, duly certified, of the judgment and
26 commitment to the Warden of the West Virginia Penitentiary (Superintendent of the West Virginia
27 State Prison for Women) and that this record serve as the commitment of the defendant.

28 County,

29

30 Judge

31 A true copy. Certified this day of, 19..

32

33 Clerk

34 (Seal)

35 IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

36 State of West Virginia

37 v. _____ circuit court Case No. _____

38 Defendant: _____

39 DOB: _____ SSN: XXX-XX-_____ Gender: _____ Male/ _____ Female

40 WEST VIRGINIA DIVISION OF CORRECTIONS CERTIFIED COMMITMENT ORDER

41 On the _____ day of _____, 20____, the State of West Virginia, by
42 _____, and the defendant appeared in person and with
43 counsel, _____.

44 The defendant has been convicted of the following offense(s):
45 _____

46 The defendant is committed to the custody of the Commissioner of Corrections for a
47 period of:
48 _____.

49 Conviction Date: _____ Sentence Date: _____

50 Effective Sentence Date: _____ Resentence Date: _____

51 Consecutive to: _____ Concurrent with:
52 _____

53 Credit for Jail/Prison Time Served: _____ days Credit for Home Incarceration: _____ days

54 Credit for Home Incarceration Parole: _____ days Other NonPenal Credit: _____ days

55 Additionally, the court finds:
56 _____

57 The defendant shall be transported to and held in a West Virginia Regional Jail Authority
58 facility until transfer into the physical custody of the Commissioner. The court further orders that
59 the cost of this incarceration shall be paid by the Commissioner from the date of entry of this order
60 forward.

61 Special Instructions: _____

62 It is further ordered that the Circuit Clerk shall forthwith transmit a certified copy of this
63 commitment order to the West Virginia Regional Jail Authority and to the Central Office Inmate
64 Records Manager of the Division of Corrections by facsimile at (fax number) or by mail at (street
65 address).

66 Enter this _____ day of _____, 2____.

67

68

Circuit Judge