

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 525

FISCAL
NOTE

BY SENATORS BOSO AND WOELFEL

[Introduced February 5, 2019; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding thereto a new section, designated §62-7-10a, all relating to
 3 requiring a form for certified commitment order to the Division of Corrections and
 4 Rehabilitation; requiring a form for commitments to prisons; requiring a form for
 5 commitments from magistrate or circuit courts to jails; clarifying the costs of incarceration;
 6 and clarifying the method of transmittal of commitment orders.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. EXECUTION OF SENTENCES; STAYS.

§62-7-10. Prison Commitment paper.

1 The clerk of a circuit court in which a person is sentenced to serve a period of incarceration
 2 in a state ~~correctional facility~~ prison shall transmit to the Commissioner of the Division of
 3 Corrections and ~~the West Virginia Regional Jail Authority~~ Rehabilitation a certified commitment
 4 order the same as, or similar to, the form provided in this section. If a prison commitment order
 5 in a form other than the one provided in this section is issued, the commitment order is required,
 6 at a minimum, to contain the same information.

7 IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA
 8 State of West Virginia

9 v. _____ circuit court Case No. _____

10 Defendant: _____

11 DOB: _____ SSN: XXX-XX-____ Gender: _____ Male/_____ Female

12 WEST VIRGINIA DIVISION OF CORRECTIONS AND REHABILITATION CERTIFIED
 13 PRISON COMMITMENT ORDER

14 On the _____ day of _____, 20____, the State of West Virginia, by
 15 _____, and the defendant appeared in person and with
 16 counsel, _____.

17 The defendant has been convicted of the following offense(s):

18 _____

19 The defendant is committed to the custody of the Commissioner of Corrections and
20 Rehabilitation for a period of:

21 _____.

22 Conviction Date: _____ Sentence Date: _____

23 Effective Sentence Date: _____ Resentence Date: _____

24 Consecutive to: ____ Concurrent with:

25 _____

26 _____

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

29 Credit for Home Incarceration Parole: _____ days Other NonPenal Credit:
30 _____ days

31 Additionally, the court finds:

32 _____

33 _____

34 The defendant shall be transported to and held in a ~~West Virginia Regional Jail Authority~~
35 ~~facility until transfer into the physical custody of the Commissioner~~ under the control of the
36 Commissioner of the Division of Corrections and Rehabilitation. The court further orders that the
37 cost of incarceration in the ~~regional~~ jail pending transfer shall be paid by the Commissioner from
38 the calendar date following the date of entry of this order the conviction forward.

39 Special Instructions:
40 _____

41 It is further ordered that the Circuit Clerk shall forthwith transmit a certified copy of this
42 commitment order to the ~~West Virginia Regional Jail Authority~~ and to the Central Office Inmate
43 Records Manager of the Division of Corrections and Rehabilitation by facsimile at (fax number),

44 by email at (email address) or other electronic transmission, or by mail at (street address).

45 Enter this ____ day of _____, 2____.

46 _____

47 Circuit Judge

§62-7-10a. Jail commitment paper.

1 The clerk of a circuit court or magistrate court in which a person is sentenced to serve a
2 period of incarceration in a jail facility under the control of the Commissioner of Corrections and
3 Rehabilitation shall transmit to the Commissioner of the Division of Corrections and Rehabilitation
4 a certified commitment order the same as, or similar to, the form provided in this section. If a jail
5 commitment order in a form other than the one provided in this section is issued, the commitment
6 order is required, at a minimum, to contain the same information.

7 IN THE CIRCUIT/MAGISTRATE COURT OF _____ COUNTY, WEST

8 VIRGINIA

9 State of West Virginia

10 v. _____ circuit/magistrate court Case No. _____

11 Defendant: _____

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

13 WEST VIRGINIA DIVISION OF CORRECTIONS AND REHABILITATION CERTIFIED

14 REGIONAL JAIL COMMITMENT ORDER

15 On the _____ day of _____, 20 _____, the State of West Virginia, by

16 _____, and the defendant appeared in person and with

17 counsel, _____.

18 The defendant has been convicted of the following offense(s):

19 _____

20 The defendant is committed to the custody of the Commissioner of Corrections and

21 Rehabilitation _____ for _____ a _____ period _____ of:

22 _____.

23 Conviction Date: _____ Sentence Date: _____

24 Effective Sentence Date: _____ Resentence Date: _____

25 Consecutive to: _____ Concurrent with: _____

26 _____

27 _____

28 Credit for Time Served: _____ days Credit for Home Incarceration: _____ days

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

30 _____ days

31 Additionally, the court finds:

32 _____

33 The defendant shall be transported to and held in a jail facility for the prescribed period of
34 confinement in accordance with the law. The court further orders that the cost of incarceration of
35 misdemeanants sentenced to confinement in a jail shall be paid in accordance with the provisions
36 of §15A-3-16(i) of this code.

37 Special _____ Instructions:

38 _____

39 It is further ordered that the circuit clerk or magistrate court clerk shall forthwith transmit a
40 certified copy of this commitment order to the Central Office Inmate Records Manager of the
41 Division of Corrections and Rehabilitation by facsimile at (fax number), by email at (email address)
42 or other electronic transmission, or by mail at (street address).

43 Enter this _____ day of _____, 2 _____.

44 _____

45 _____ Circuit Judge/Magistrate

NOTE: The purpose of this bill is to amend the commitment paper for convicted felons to

reflect the accurate distribution of costs and to create a form order for the commitment of convicted misdemeanants to the custody of the Division of Corrections and Rehabilitation.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.