

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4509

BY DELEGATES SHOTT, STEELE, N. BROWN AND MAYNARD

(BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS AND

PUBLIC SAFETY)

[Passed March 7, 2020; in effect ninety days from

passage.]

1 AN ACT to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended,
2 relating to transferring the Parole Board to the Division of Corrections and Rehabilitation
3 for purposes of administrative and other support; removing the residency requirements
4 pertaining to counties; continuing terms of current members; specifying the powers and
5 duties of the chairperson; setting forth the process for selecting a vice chairperson;
6 specifying the powers and duties of the vice chairperson; clarifying how a vacancy occurs
7 on the board; creating the position of substitute board member; creating a substitute board
8 member list; establishing qualifications, powers and duties of substitute board members;
9 and clarifying how moneys for the board should be appropriated.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-12. Parole Board generally.

1 (a) The West Virginia Parole Board is continued as part of the Division of Corrections and
2 Rehabilitation. The board shall consist of nine members, each of whom shall have been a resident
3 of this state for at least five consecutive years prior to his or her appointment. No more than five
4 of the board members may at any one time belong to the same political party, except as provided
5 in subsection (b) of this section. The board shall be appointed by the Governor, by and with the
6 advice and consent of the Senate and shall serve at the will and pleasure of the Governor.

7 Appointments shall be made in such a manner that each congressional district is
8 represented and so that no more than four and no less than two members of the board reside in
9 any one congressional district.

10 (b) The Governor shall appoint one of the nine members to serve as chairperson at the
11 Governor's will and pleasure. In addition to all other powers, duties, and responsibilities granted
12 and assigned to the chairperson by law and rule, the chairperson has the following powers and
13 duties:

14 (1) To provide for the management of facilities and personnel of the board;

15 (2) To supervise the administration and operation of the board;

16 (3) To delegate the powers and duties of his or her office to the vice chairperson or other
17 members of the board, who shall act under the direction of the chairperson and for whose acts he
18 or she is responsible: *Provided*, That if the position of chairperson becomes vacant by death,
19 resignation, or otherwise, the vice chairperson shall assume all the powers and duties of the
20 chairperson until such time as a new chairperson is appointed pursuant to the provisions of this
21 subsection;

22 (4) To employ one full-time administrative employee, who shall be a classified exempt
23 employee; and

24 (5) To exercise all other powers and perform all other duties necessary and proper in
25 carrying out his or her responsibilities as chairperson.

26 (c) The board, from its membership, shall elect a vice chairperson, at least once every
27 year, to serve as chair in the absence of a chairperson. In the absence of or at the direction of the
28 chairperson, the vice chairperson may exercise the powers and duties of the chairperson. The
29 vice chairperson shall, while performing the duties and responsibilities of the chairperson, have
30 all of the statutorily authorized power and duties of the chairperson.

31 (d) Any person initially appointed to the board on or after July 1, 2012, shall have a degree
32 from an accredited college or university or at least five years of actual experience in the fields of
33 corrections, law enforcement, sociology, law, education, psychology, social work, or medicine, or
34 a combination thereof, and shall be otherwise competent to perform the duties of his or her office.
35 All members currently serving on the board shall continue the terms they are currently serving,
36 unless otherwise removed. The members shall be appointed for overlapping terms of six years.
37 Members are eligible for reappointment. The members of the board shall devote their full time
38 and attention to their board duties.

39 (e) The Governor may, if he or she is informed that a vacancy is imminent, appoint a
40 member to fill the imminent vacancy prior to it becoming vacant: *Provided*, That the new member

41 may be appointed no more than 30 days prior to the vacancy occurring and only for purposes of
42 training. He or she may not assume the powers and duties of the position until the vacancy has
43 actually occurred.

44 (f) The Governor may appoint no more than five persons to a list of substitute board
45 members. Substitute board members shall meet the qualifications set forth in subsection (d) of
46 this section. The persons on the list shall be used in a rotating fashion. If a full-time board member
47 is unable to serve, a substitute board member may serve in his or her place. These substitute
48 board members shall have the same powers and duties of the fulltime board members while
49 acting as a substitute. These members shall be reimbursed for expenses and paid a per diem
50 rate set by the secretary.

51 (g) The Division of Corrections and Rehabilitation shall provide administrative and other
52 services to the board as the board requires. Expenses of the board shall be included within the
53 annual budget of the Division of Corrections and Rehabilitation: *Provided*, That the salaries of the
54 members appointed pursuant to subsection (b) of this section are to be included in a separate
55 budget for the Parole Board.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor