

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 437

BY SENATORS TRUMP, LINDSAY, STOLLINGS, CLEMENTS,

AND ROMANO

[Introduced January 19, 2022; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §62-12-18 of the Code of West Virginia, 1931, as amended, relating
 2 to the granting of early discharge to parolees after a minimum of one year on parole;
 3 allowing the Commissioner of the Division of Corrections and Rehabilitation or designee
 4 to request early discharge of a parolee; and providing that the Chairperson of the Parole
 5 Board grant early discharge from parole for a parolee upon review of the request for early
 6 discharge.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-18. Period of parole; discharge.

1 The period of parole shall be the maximum of any sentence, less deductions for good
 2 conduct and work as provided by law, for which the paroled inmate, at the time of release, was
 3 subject to imprisonment under his or her definite or indeterminate sentence, as the case may be:
 4 *Provided, That* at any time after a parolee has been on parole for a period ~~period~~ minimum of one year
 5 from the date of his or her release, a panel of the board may the Commissioner of the Division of
 6 Corrections and Rehabilitation, or designee, may submit a request to the Chairperson of the
 7 Parole Board for the parolee's early discharge from parole along with appropriate documentation
 8 as to the parolee's good conduct while on parole, and the Chairperson may, after a review of the
 9 request and submission from the Commissioner, or designee, when in its his or her judgment the
 10 ends of parole have been attained and the best interests of the state and the parolee will be
 11 served thereby, release the parolee from further supervision and discharge him or her from parole:
 12 *Provided, however, That* no inmate sentenced to serve a life term of imprisonment and released
 13 on parole shall be discharged from supervision and parole in a period less than five years from
 14 the date of his or her release on parole.

15 No parolee who has violated the terms of his or her release on parole by confession to, or
 16 being convicted of, in any state of the United States, the District of Columbia or the territorial
 17 possessions of the United States, the crime of treason, murder, aggravated robbery, first degree

18 sexual assault, second degree sexual assault, a sexual offense against a minor, incest or offenses
19 with the same essential elements if known by other terms in other jurisdictions shall be discharged
20 from parole. A parolee serving a sentence in any correctional facility of another state or the United
21 States may, unless incarcerated for one of the above enumerated crimes, be discharged from
22 parole while so serving his or her sentence in said correctional facility or be continued on parole
23 or returned to West Virginia as a parole violator, in the discretion of the Parole Board.

NOTE: The purpose of this bill is to allow the Chairperson of the Parole Board to release a parolee early, and after serving a minimum of one year on parole, following a request from the Commissioner of the Division of Corrections and Rehabilitation, or designee, and upon a review of the request and submission by the Commissioner, or designee.

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