

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 437**

BY SENATORS TRUMP, LINDSAY, STOLLINGS, CLEMENTS,

AND ROMANO

[Passed February 7, 2022; in effect from passage]



1 AN ACT to amend and reenact §62-12-18 of the Code of West Virginia, 1931, as amended,  
2 relating to granting early discharge to parolees after a minimum of one-year on parole;  
3 authorizing the Commissioner of the Division of Corrections and Rehabilitation or his or  
4 her designee to request early discharge of a parolee; and providing that the chairperson  
5 of the parole board grant early discharge from parole for a parolee upon review of the  
6 request for early discharge rather than the decision being made by a panel of the parole  
7 board.

*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 minimum of one-year from  
5 the date of his or her release, the Commissioner of the Division of Corrections and Rehabilitation,  
6 or his or her designee, may submit a request to the chairperson of the parole board for a parolee's  
7 early discharge from parole along with appropriate documentation as to the parolee's good  
8 conduct while on parole. The chairperson may, after a review of the request and submission from  
9 the commissioner, or his or her designee, when in his or her judgment, the ends of parole have  
10 been attained and the best interests of the state and the parolee will be served by the early  
11 discharge, release the parolee from further supervision and discharge him or her from parole:  
12 *Provided, however*, That an inmate sentenced to serve a life term of imprisonment and released  
13 on parole may not 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 A 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  
19 offenses with the same essential elements if known by other terms in other jurisdictions may not  
20 be discharged from parole. A parolee serving a sentence in any correctional facility of another  
21 state or the United States may, unless incarcerated for one of the above enumerated crimes, be  
22 discharged from parole while serving his or her sentence in a correctional facility or be continued  
23 on parole or returned to West Virginia as a parole violator, in the discretion of the parole board.

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

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2022.

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*Governor*