

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 437

BY SENATORS TRUMP, LINDSAY, STOLLINGS, CLEMENTS,

AND ROMANO

[Originating in the Committee on the Judiciary; reported on January 24, 2022]

1 A BILL to amend and reenact §62-12-18 of the Code of West Virginia, 1931, as amended, relating
2 to granting early discharge to parolees after a minimum of one-year on parole; authorizing
3 the Commissioner of the Division of Corrections and Rehabilitation or his or her 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 rather than the decision being made by a panel of the parole 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 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 his or her designee, may submit a request to the chairperson
7 of the parole board for a parolee's early discharge from parole along with appropriate
8 documentation as to the parolee's good conduct while on parole. The chairperson may, after a
9 review of the request and submission from the commissioner, or his or her designee, when in its
10 his or her judgment, the ends of parole have been attained and the best interests of the state and
11 the parolee will be served thereby by the early discharge, release the parolee from further
12 supervision and discharge him or her from parole: *Provided, however, That* ~~no~~ an inmate
13 sentenced to serve a life term of imprisonment and released on parole ~~shall~~ may not be
14 discharged from supervision and parole in a period less than five years from the date of his or her
15 release on parole.

16 ~~No~~ A parolee who has violated the terms of his or her release on parole by confession to,
17 or being convicted of, in any state of the United States, the District of Columbia, or the territorial

18 possessions of the United States, the crime of treason, murder, aggravated robbery, first degree
19 sexual assault, second degree sexual assault, a sexual offense against a minor, incest, or
20 offenses with the same essential elements if known by other terms in other jurisdictions ~~shall~~ may
21 not be discharged from parole. A parolee serving a sentence in any correctional facility of another
22 state or the United States may, unless incarcerated for one of the above enumerated crimes, be
23 discharged from parole while ~~se~~ serving his or her sentence in ~~said~~ a correctional facility or be
24 continued on parole or returned to West Virginia as a parole violator, in the discretion of the parole
25 board.