

*Spec. Ch. P10,070*  
*May 12 - 1903*

**LAW AND RULES**  
**GOVERNING THE**  
**PAROLE OF PRISONERS**  
**FROM THE**  
**WEST VIRGINIA PENITENTIARY**

**AN ACT AUTHORIZING THE GOVERNOR TO PAROLE PRISONERS  
FROM THE WEST VIRGINIA PENITENTIARY.**

45. The Governor shall have authority, under such rules and regulations as he may prescribe, to issue a parole or permit to go at large, to any convict who now is, or hereafter may be, imprisoned in the Penitentiary of this State, under sentence other than a life sentence, who may have served the minimum term provided by law for the crime for which he was convicted, and who has not previously served two terms of imprisonment in any penal institution for felony.

Every convict, while on parole, shall remain in the legal custody and under the control of the Governor, and shall be subject at any time to be taken back within the enclosure of the penitentiary for any reason that shall be satisfactory to the Governor, and at his sole discretion; and full power to re-take and return any such paroled convict to the penitentiary is hereby expressly conferred upon the Governor, whose written order, when attested by the Secretary of State, shall be a sufficient warrant, authorizing all officers named therein to return to actual custody in the penitentiary any such paroled convict, and it is hereby made the duty of all officers to execute said order the same as an ordinary criminal process.

This act shall not be construed to operate in any sense as a release of any convict paroled under its provisions, but simply as a permit granted to such convict to go without the enclosure of the penitentiary, and while so at large he shall be deemed to be serving out the sentence imposed upon him by the court, and shall be entitled to good time the same as if he were confined in the penitentiary. [Chap. 45, sec. 45, acts 1903.]



*RULES FOR THE PAROLING OF PRISONERS.*

1. Applications for parole shall contain the information asked for in the blanks furnished by the Warden of the Penitentiary. The application shall be addressed to the Governor, but shall be submitted to the Board of Directors of the Penitentiary.

Unless the parole is recommended by at least three members of the Board, or by four when the entire Board is present and acting on the case, the question of parole will not be considered by the Governor.

2. It shall be the duty of the Warden to keep a full and accurate record of each prisoner confined in the Penitentiary who may be eligible to parole. This record shall contain as far as practicable, his conduct, demeanor, diligence at labor and mental improvement while in prison.

The Warden shall classify the convicts in the Penitentiary in three grades: First, or highest; second, or intermediate; and third, or lowest. He shall prepare the necessary regulations by which they may be advanced to the first grade. No application for parole will be received except from convicts who have been in the first grade for at least six months, for convicts serving a sentence of three years or less; and for at least one year for those serving a longer period.

3. Before considering any case for parole, the Board of Directors shall require the written report, recommendation and opinion of the Warden, Captain of the Guard, the Clerk and the Physician, in the case of the applicant for parole. Such officers shall report the general conduct and habits of the prisoner, and the probability, in their judgment, of his remaining on parole without violating the law. It shall be the duty of such officers to obtain all the information possible of the antecedents of each and every applicant for parole, together with such statements of the crime committed by the prisoner, and such advice and opinion concerning the advisability of granting the parole, as can be obtained from the Judge who tried the case, the Prosecuting Attorney and the Counsel for the defense. It shall be the duty of such officers to examine every application for parole, and present to the Board all such cases as shall be eligible, together with any and all papers, documents and records necessary for a proper and full consideration of each application, as provided by the rules.

4. No prisoner will be released on parole until satisfactory evidence shall have been furnished the Board, in writing, that employment will be furnished such prisoner by some responsible and reputable person, certified to be such by the Clerk of the County Court of the county where such person resides, or that he will engage in some respectable business for himself. No prisoner will be released on parole until he shall have given a bond in the penalty of Fifty Dollars (\$50.00) with one or more sureties to be approved by the Warden, or until there shall have been deposited with the Warden the sum of Twenty-five (\$25.00) Dollars, the proceeds of said bond or of said deposit to be used toward defraying the expense of arresting and re-committing the paroled prisoner, should the conditions of parole be violated. Should no such expense be incurred, the



entire amount shall be refunded to the depositor on return of receipt properly endorsed, after final discharge of paroled prisoner, or the bond shall be cancelled, as the case may be.

In no case shall any prisoner be recommended for parole unless there is, in the judgment of the Board, reasonable ground to believe that he will, if paroled, live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, nor perverting the ends of justice.

5. Each applicant shall cause to have published at least once a week for two successive weeks, in some newspaper published in the county in which he was convicted, or if there is no newspaper published in his county, in a paper published in an adjoining county, the fact that he intends to apply for parole, and no application shall be considered by the Board until a statement of the publishers, with copy of notice attached, shall have been filed.

6. No application shall be considered by the Board until a statement is obtained from the prosecuting attorney who prosecuted the case, or the prosecuting attorney of the county in which the prisoner was convicted, showing that the applicant has not, to the knowledge of the said prosecuting attorney, been convicted of a felony and served a term in a penal institution prior to that for which sentence is being served, and that the said prosecuting attorney knows of no other indictment or serious charge pending against the prisoner.

No application shall be considered by the Board when it has knowledge from any source that the applicant has previously been convicted of a felony and served a term in a penal institution, or that there is another indictment or serious charge pending against said prisoner. *Provided, however,* that prisoners serving a second term in the penitentiary for a crime committed previous to their first sentence to a penal institution, shall not be considered as coming under the class above mentioned, and may have their application for parole considered.

7. No illiterate person will be paroled. The prison school furnishes ample opportunities for obtaining a rudimentary education, and illiterate prisoners desiring parole must avail themselves of its advantages before being considered for parole.

8. No numerously signed petition shall be required or be considered by the Board. No oral statement shall be heard for or against any application for parole. All arguments must be made in writing, and filed as a part of the record of the case to which they refer. The employment of attorneys by prisoners will be discouraged; but communications by letter, of friends, giving information, may be filed and will be given such consideration as they are entitled to receive.

9. Upon the denial of the application for parole, the prisoner may renew his application for parole at the end of six months from the date of denial.

10. The term of the parole will be wholly within the discretion of the Governor. It will not be less than one year, unless the convict's term expires sooner, and may continue for the rest of the convict's term, reckoning good time the same as in prison, or for the balance of the



maximum sentence in the case of prisoners sentenced under the Indeterminate Sentence Law.

*RULES GOVERNING CONDUCT OF PRISONERS ON PAROLE.*

1. Paroled prisoners must provide transportation to the place of their employment.

2. Every paroled prisoner shall be required to subscribe in a book to be kept for that purpose, his signature. He shall report in writing over his signature, to the Warden of the Penitentiary, on the first day of every month until released by law, in accordance with the blank form furnished by the Warden. Said report shall be countersigned by the person in whose employ the paroled prisoner may be at the time, if employed by another.

3. The paroled prisoner shall proceed at once to the place of employment provided for him, and there remain.

4. In case he finds it necessary to change his employment or residence, he shall, when practicable, first obtain the written consent of the Governor, through the Warden of the Penitentiary, but in any event notify the Warden of such change.

5. He shall in all respects conduct himself honestly, avoid evil association, the use of intoxicating liquors, and in general pursue the course of a law-abiding citizen.

6. If he fails to report to the Warden monthly as required, or is guilty of doing any act prohibited by these rules or by the proclamation paroling him, he will be subject to return to the Penitentiary.

7. Every paroled prisoner shall be liable to be re-taken and again placed within the enclosure of the Penitentiary for any reason that shall be satisfactory to the Governor, and at his sole discretion, until he receives his final discharge.

8. No convict under parole shall be permitted to leave the State of West Virginia without a written permit to do so, issued by the Governor, and if such paroled convict shall leave the State without the written permission of the Governor, he shall be treated in all respects as if he had escaped from the prison enclosure.

No paroled prisoner need fear or hesitate to communicate freely with the Warden of the Penitentiary, in case he becomes unable to labor by reason of sickness or otherwise. The Governor and the Penitentiary authorities have a lively and a friendly interest in paroled prisoners, and will do their part to make the parole system a success.

ALBERT B. WHITE,

*Governor.*

Executive Chamber, Charleston, W. Va., May 12, 1903.

