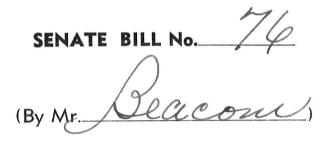
## WEST VIRGINIA LEGISLATURE

## **REGULAR SESSION, 1935**

## ENROLLED



PASSED March 9\_1935

Nora Passage In Effect



## ENROLLED Senate Bill No. 76

(BY MR. BEACOM)

[Passed March 9, 1935; in effect from passage.]

AN ACT to amend article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto section twenty-nine, creating a criminal identification bureau of fingerprints, records and statistics, within the department of public safety, conferring powers and duties upon the superintendent of said department, the officer in charge of, and the members of said criminal identification bureau, requiring peace officers and persons in charge of penal institutions, correctional institutions and jails to take finger prints and make reports respecting crime and criminals and to furnish same to such bureau and providing certain penalties for violation of the provisions thereof and the destruction of the records therein.

Be it enacted by the Legislature of West Virginia:

That article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto section twenty-nine, to read as follows:

Section 29. The superintendent of the department of public 2 safety shall establish, equip and maintain at the offices of the 3 department located at Charleston, a criminal identification bu-4 reau, for the purpose of receiving and filing fingerprints, photo-5 graphs and other records pertaining to the investigation of 6 crime and the apprehension of criminals, as hereinafter pro-7 vided. The superintendent shall appoint or designate a 8 regularly enlisted member of the department as officer in charge 9 of the criminal identification bureau and such officer shall be a 10 qualified fingerprint expert and shall be responsible to the 11 superintendent for the affairs of the bureau. Members of the 12 department assigned to the criminal identification bureau shall 13 classify and file fingerprints, compare the fingerprints of per-14 sons arrested with those on file and notify the arresting officer 15 if it is found by comparison of fingerprints that any person

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16 has a previous criminal record, or is a fugitive from justice. 17 They shall also cooperate with other members of the department 18 of public safety, and all state, county and city law enforcement 19 officials throughout the state in connection with the identifica-20 tion and apprehension of criminals. Such members shall co-21 operate with identification bureaus of other states and of the 22 United States, to develop and carry on a complete interstate, 23 national and international system of criminal identification. 24 They may furnish copies of the fingerprints of persons ar-25 rested in this state to the identification bureau of the United 26 States government and to other states for the purpose of 27 ascertaining if such persons have been previously arrested or 28 convicted of crime.

(1) Persons in charge of any penal or correctional insti-30 tution in this state shall take, or cause to be taken, the finger 31 prints and description of all persons lawfully committed thereto 32 or confined therein and furnish the same in duplicate to the 33 criminal identification bureau, department of public safety at 34 Charleston. Such fingerprints shall be taken on forms approved 35 by the superintendent of the department of public safety. All 36 such officials as herein named may, when possible to do so,

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37 furnish photographs to the criminal identification bureau of 38 such persons so finger printed.

39(2) Members of the department of public safety, and all 40 other state law enforcement officials, sheriffs' deputy sheriffs, 41 constables, and each and every peace officer in this state, shall 42 take or cause to be taken the fingerprints and description of 43 all persons arrested or detained by them, charged with any 44 crime or offense in this state, in which the penalty provided 45 therefor is confinement in any penal or correctional institution, 46 or of any person who they have reason to believe is a fugitive 47 from justice or an habitual criminal, and furnish the same in 48 duplicate to the criminal identification bureau, department of 49 public safety, Charleston, on forms approved by the superin-50 tendent of said department of public safety. All such officials 51 as herein named may, when possible to do so, furnish to the 52 criminal identification bureau, photographs of such persons 53 so finger printed. The arresting officer shall submit to the 54 criminal identification bureau, in duplicate, a report of final 55 disposition concerning any case held for court, or in any case 56 in which the disposition thereof has not been previously fur-57 nished to said bureau (on the fingerprint record of the person

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58 arrested). Such report of final disposition shall be made on59 forms furnished or approved by the superintendent of the60 department of public safety.

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61 (3) Any person who has been finger printed or photographed 62 in accordance with the provisions of this act, who is acquitted 63 of the charges upon which he or she was arrested, and who has 64 no previous criminal record, may, upon the presentation of 65 satisfactory proof to the superintendent of the department of 66 public safety, have such fingerprints or photographs, or both, 67 returned to them.

(4) Neglect or refusal of any person mentioned in this act 69 to make the report required herein, or to do or perform any 70 act on his or her part to be done or performed in connection 71 with the operation of this act, shall constitute a misdemeanor, 72 and such person shall, upon conviction thereof, be punished by 73 a fine of not less than twenty-five nor more than two hundred 74 dollars, or by imprisonment in the county jail for a period of 75 not exceeding sixty days, or both, in the discretion of the 76 court. Such neglect shall constitute misfeasance in office and 77 subject such person to removal from office. Any person who 78 wilfully removes, destroys, or mutilates any of the records of 79 the department of public safety, shall be guilty of a misde-80 meanor, and such person shall, upon conviction thereof, be 81 punished by a fine not exceeding one hundred dollars, or by 82 imprisonment in the county jail for a period of not exceeding 83 six months, or by both, in the discretion of the court.

(5) Should any of the provisions of this act be held uncon-85 stitutional by any court of competent jurisdiction, the same 86 shall not effect the validity of the act as a whole or any part 87 thereof, other than the portion so held invalid.

I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the 15 Th day of March 19.35. SECRETARY OF STATE

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

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Chairman Senate Committee

anal Chairman House Committee Originated in the..... orn passage. Takes effect..... Clerk of the Senate Clerk of the House of Delegates in President of the Senate Speaker House of Delegates The within.....this the..... day of....., 1935. Governor Filed in the office of the Secretary of State MAR 15 of West Virginia.\_ 1434

Wm. S. O'BRIEN,

Secretary of State