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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1970

ENROLLED

SENATE BILL NO. 161

(By Mr. Carraigan and Mr. Holliday)

PASSED February 11, 1970

In Effect thirty days from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 2-18-70

161

ENROLLED

Senate Bill No. 161

(By MR. CARRIGAN and MR. HOLLIDAY)

[Passed February 11, 1970; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two, three, four and five, article five-a, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections six and seven, all relating to the establishment and continuance; management and control; appointment of warden; bond; duties; residence; laws governing penitentiary applicable; exceptions; transfer of prisoners; sentencing of prisoners; and the renaming of the "West Virginia medium security prison."

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four and five, article five-a, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto two new sections, designated sections six and seven, all to read as follows:

ARTICLE 5A. HUTTONSVILLE CORRECTIONAL CENTER.

§28-5A-1. Establishment and continuance.

1 The prison farm near Huttonsville in the county of
2 Randolph, undertaken pursuant to chapter eighty-six,
3 acts of the Legislature of West Virginia, one thousand
4 nine hundred thirty-seven, is hereby established, and
5 shall be continued as the "Huttonsville Correctional
6 Center."

§28-5A-2. Management and control.

1 Huttonsville correctional center, a medium security
2 state prison, shall be managed, directed, and controlled
3 as provided in chapter twenty-five of this code.

§28-5A-3. Appointment of warden; bond; duties; residence.

1 The warden shall be the chief executive officer of
2 Huttonsville correctional center. He shall be appointed

3 by the governor, by and with the advice and consent
4 of the Senate, and shall give bond in such sum as the
5 commissioner of public institutions may require. His
6 duties shall be fixed by the commissioner of public in-
7 stitutions, and shall conform to, as nearly as possible,
8 the duties heretofore assigned to the warden of the West
9 Virginia penitentiary at Moundsville. The warden shall
10 reside in or near the prison.

§28-5A-4. Laws governing penitentiary applicable; exception.

1 The laws governing the West Virginia penitentiary
2 at Moundsville shall, as nearly as may be, apply to
3 Huttonsville correctional center except that criminal
4 proceedings against inmates in said prison shall be in
5 the circuit court of the county of Randolph.

§28-5A-5. Transfer of prisoners.

1 Upon the request of the warden of the West Vir-
2 ginia penitentiary or the warden of Huttonsville cor-
3 rectional center, the commissioner of public institutions
4 may, in his discretion, order the transfer of prisoners
5 from one institution to the other.

§28-5A-6. Diagnostic and classification division established.

1 The commissioner of public institutions shall establish
2 a diagnostic and classification division within the Hut-
3 tonsville correctional center. This division shall be a
4 maximum security facility.

§28-5A-7. Sentencing of prisoners.

1 Notwithstanding any provision of the code to the con-
2 trary, all prisoners sentenced to the West Virginia peni-
3 tentiary at Moundsville after October one, one thousand
4 nine hundred seventy, shall, upon imposition of such
5 sentence, first undergo diagnosis and classification at the
6 Huttonsville correctional center.

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

William J. Tongue
Chairman Senate Committee

Phillip J. Rutledge
Vice-Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Thomas M. Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Lyell J. Gerson
President of the Senate

Sam I. Bowers
Speaker House of Delegates

The within *approved* this the *16th*
day of *February*, 1970.

Arch A. Shaare Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/13/70

Time 4:42 p.m.