

#4076

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



ENROLLED

HOUSE BILL No. 4076

(By ~~MR.~~ *Delegates Bradley & Lauer*)



Passed March 12 1988

In Effect Ninety Days from Passage

ENROLLED
H. B. 4076

(By DELEGATES BRADLEY and LOVE)

[Passed March 12, 1988; in effect ninety days from passage.]

AN ACT to amend article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve, relating to authorizing counties to establish curfews for juveniles and providing jurisdiction for violations of county curfew laws; and the effect of municipal ordinances.

Be it enacted by the Legislature of West Virginia:

That article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twelve, to read as follows:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-12. Authority for establishing county curfews; jurisdiction for violations.

1 In addition to all other powers and duties now
2 conferred by law upon county commissions, such
3 commissions are hereby authorized, by order duly
4 entered of record, to adopt an ordinance which estab-
5 lishes a curfew for persons under eighteen years of age.
6 It shall be unlawful for any person under eighteen years
7 of age to violate any ordinance: *Provided*, That whenever
8 the county ordinance enacted hereunder conflicts with
9 that of any municipality, the municipal ordinance shall
10 prevail.

11 Any magistrate court, which shall have concurrent
12 jurisdiction with the circuit court, of a county which has
13 enacted an enforceable curfew ordinance may assume
14 jurisdiction of a juvenile charged with violation of such
15 ordinance and make any disposition thereof, which could
16 properly be made by a circuit court exercising its
17 juvenile jurisdiction, except that magistrate courts shall
18 have no jurisdiction to impose a sentence of confinement
19 for the violation of such laws.

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

Bruce C. Williams
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jed C. Helms
Clerk of the Senate

Donald J. Kopp
Clerk of the House of Delegates

Don Tonkonid
President of the Senate

[Signature]
Speaker of the House of Delegates

The within *approved* this the *28th*
day of *March*, 1988.

[Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/88

Time 3:16 p.m.

RECEIVED

1968 MAR 31 AM 10 48

OFFICE OF THE ATTORNEY GENERAL
STATE OF MISSISSIPPI