

SB 750

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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



ENROLLED

SENATE BILL NO. 750

(By Senator PREZIOSO, ET AL)



PASSED MARCH 12, 1998

In Effect NINETY DAYS FROM Passage

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

ENROLLED

Senate Bill No. 750

(BY SENATORS PREZIOSO, BAILEY, DITTMAR AND BUCKALEW)

[Passed March 12, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section eighty-seven, article one-e, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to creating a state offense of absence without leave; and penalty.

Be it enacted by the Legislature of West Virginia:

That section eighty-seven, article one-e, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1E. CODE OF MILITARY JUSTICE.

PART X. PUNITIVE SECTIONS.

§15-1E-87. Absence without leave.

1 (a) Any person subject to this article who, without
2 authority:

3 (1) Fails to go to his or her appointed place of duty at the
4 time prescribed;

5 (2) Goes from that place; or

6 (3) Absents himself or herself or remains absent from his
7 or her unit, organization or place of duty at which he or
8 she is required to be at the time prescribed; shall be
9 punished as a court-martial may direct.

10 (b) In addition, the offense committed under subsection
11 (a) of this section, constitutes a misdemeanor triable in the
12 criminal courts of this state. Any person convicted
13 hereunder shall be sentenced to confinement in the county
14 or regional jail as follows: (1) One day for each unit
15 training assembly from which the person was absent
16 without leave; or (2) one day for each day of annual
17 training or other duty from which the person was absent
18 without leave.

19 These sentences are mandatory and shall not be subject
20 to suspension, probation, reduction or home confinement.

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

[Signature]
.....
Chairman Senate Committee.

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *approved* this the *6th*
day of *April*, 1998.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/24/98

Time 3:17 pm