

83/

# ENROLLED BILL

House Bill No. 331

(By Mr. Cummins)

Passed March 13, 1931

In Effect from Passage

Originated in the House  
Takes effect  
Passage  
Clerk of the House of Delegates

CORRECTLY ENROLLED

Chairman House Committee  
Chairman Senate Committee

# ENROLLED BILL

(H. B. No. 331)

[Passed March 13, 1931; in effect from passage.]

AN ACT to amend and re-enact chapter twenty-eight, article five, section twenty-eight of the code of West Virginia, relating to the parole of convicts.

*Be it enacted by the Legislature of West Virginia:*

That chapter twenty-eight, article five, section twenty-eight of the code of West Virginia, be amended and re-enacted so as to read as follows:

Section 28. The governor shall have authority, under such 2 rules and regulations as he may prescribe, to issue a parole, or 3 permit to go at large, to any convict who now is, or hereafter 4 may be, imprisoned in the penitentiary of this state, under sen- 5 tence other than a life sentence, and who has not previously 6 served two terms of imprisonment in any penal institution for 7 felony. Every such convict, while on parole, shall remain in the 8 legal custody and under the control of the governor, and shall 9 be subject at any time to be taken back within the inclosure of

CORRECTLY ENROLLED

*Joseph D. Smith*

*Chairman Senate Committee.*

*Benjamin M. Mendenhall*

*Chairman House Committee.*

10 the penitentiary for any reason that shall be satisfactory to the  
11 governor, and at his sole discretion. Full power to retake and  
12 return any such paroled convict to the penitentiary is hereby  
13 expressly conferred upon the governor, whose written order,  
14 when attested by the secretary of state, shall be a sufficient war-  
15 rant authorizing all officers named therein to return any such  
16 paroled convict to actual custody in the penitentiary; and it is  
17 hereby made the duty of all officers to execute such order the  
18 same as an ordinary criminal process. This section shall not  
19 be construed to operate in any sense as a release of any convict  
20 paroled under its provision, but simply as a permit granted to  
21 such convict to go without the inclosure of the penitentiary, and  
22 while so at large he shall be deemed to be serving out the sen-  
23 tence imposed upon him by the court, and shall be entitled to  
24 good time the same as if he were confined in the penitentiary.

CORRECTLY ENROLLED

Enrolled H. B. No. 331 |

3

*Charles G. Smith*  
Chairman Senate Committee.

*Charles W. Meadows*  
Chairman House Committee.

*R. H. Miller*  
Clerk of the House of Delegates.

*J. Alfred Taylor*  
Speaker of the House of Delegates.

*Wm. Wallace*  
President of the Senate.

*M. S. Staley*  
Clerk of the Senate.

The within is *approved*  
this *17<sup>th</sup>* day of *march* 1931.

*Wm. G. Cherry*  
Governor.

Filed in the office of the Secretary of State  
of West Virginia MAR 18 1931  
GEORGE W. STABF,  
Secretary of State.