

Rec, Mar. 11, 1933

422

ENROLLED BILL

(REGULAR SESSION, 1933)

House Bill No. 422

(By Mr. Cardin by request)

Passed March 10, 1933

In Effect from Passage

Originated in the.....*House*.....Takes effect.....*From*.....Passage
W. C. L. Wallace.....*Geo. S. Seligman*
 Clerk.....Clerk of the House of Delegates.

CORRECTLY ENROLLED

James L. Smith.....*Samuel D. C. Clegg*
 Chairman House Committee.....Chairman Senate Committee.

ENROLLED BILL

(H. B. No. 422)

[Passed March 10, 1933: in effect from passage.]

AN ACT to amend and reenact section five, article two, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, relating to probation officers, their compensation and expenses.

Be it enacted by the Legislature of West Virginia:

That section five, article two, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 5. The courts in this state which have and exercise 2 juvenile jurisdiction shall have authority to appoint any number 3 of discreet persons of good moral character to serve as proba- 4 tion officers during the pleasure of the court so appointing; but 5 such probation officers shall receive no compensation from the 6 county treasury except as herein provided.

CORRECTLY ENROLLED

James A. Hyman

James L. Smith

Chairman Senate Committee.

Chairman House Committee.

7 Of the number of probation officers named and designated
8 by the court those who may receive compensation from the
9 county shall be as follows: In counties having a population of
10 forty-eight thousand or over, one or two probation officers may
11 be appointed, in the discretion of the judge. If two are ap-
12 pointed, one shall be designated as chief probation officer and the
13 other as assistant probation officer. The chief probation officer
14 shall receive a salary not exceeding eighteen hundred dollars
15 per year, and the assistant shall receive a salary not exceeding
16 twelve hundred dollars per year, and expenses shall be allowed
17 each probation officer in a sum not exceeding one hundred dol-
18 lars per year: *Provided*, That in counties having a population
19 of sixty thousand or over, the county court may pay the chief
20 probation officer the sum of three hundred dollars per annum
21 for each ten thousand of population or fraction thereof: *Pro-*
22 *vided further*, That the maximum sum paid any probation offi-
23 cer under this section shall not exceed three thousand dollars
24 per annum. In counties having a population of eighteen thou-
25 sand or over, or less than forty-eight thousand, one probation
26 officer may be appointed, but in Berkeley county the court shall
27 appoint the sheriff as such probation officer, at a salary not to

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Chairman House Committee.

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28 exceed six hundred dollars per year, except in the county of
29 Wyoming, where the sheriff of said county shall be the probation
30 officer without additional compensation or expense; and ex-
31 penses shall be allowed the probation officer of any such county
32 in a sum not to exceed one hundred dollars per year. In any
33 county of less than eighteen thousand population, one proba-
34 tion officer, at a salary of not to exceed one hundred dollars per
35 year, shall be appointed by the judge of the court having and
36 exercising juvenile jurisdiction, whenever, in the opinion of the
37 judge, the county superintendent of schools, and a majority of
38 the members of the county court of such county it shall be nec-
39 essary so to care for the delinquent children of the county. In
40 counties having a population of thirty thousaud or over, when-
41 ever, in the opinion of the judge, a majority of the members of
42 the county court, and the county superintendent of schools, ad-
43 ditional probation officers to those allowed herein are necessary,
44 for the care of the delinquent children, not to exceed two as-
45 sistant probation officers may be appointed in the manner pro-
46 vided by this article, at a salary of not to exceed six hundred
47 dollars per year each.

48 The county superintendent of schools and the county commis-

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James L. Smith

James A. Hyatt

Chairman House Committee.

Chairman Senate Committee.

49 sioners in their respective counties shall constitute a board to
50 investigate the competency of any person to act as a probation
51 officer whenever such probation officer is to receive from the
52 county a salary or other compensation provided for under this
53 section. Any judge desiring to appoint such probation officer
54 shall transmit the name of such prospective appointee to such
55 board of the county in which such appointment is to be made,
56 and it shall be the duty of a majority of such board to approve
57 or disapprove of such appointee within thirty days after sub-
58 mission of such name by such judge, and failure to act thereon
59 within such time shall constitute an approval of such appointee,
60 and such judge may then make the appointment. If a majority
61 of such board are of the opinion that such appointee does not
62 possess the qualifications for a probation officer, they shall notify
63 the judge of their conclusions within thirty days from the sub-
64 mission of such name to the respective members thereof, where-
65 upon it shall be the duty of the judge to withdraw such name
66 and to submit another name for the approval of such board.
67 The appointment of probation officers and the approval there-
68 of as to the qualification of such officers by the board herein
69 designated, shall be filed in the office of the clerk of the juvenile

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James D. Hays
James D. Smith
James D. Smith

Chairman Senate Committee.

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70 court. Probation officers shall take such oaths as is required of
71 other county officers to perform their duties, and file it in the
72 office of the clerk of the county court of the county where they
73 have been appointed, in which office the same shall be preserved
74 and recorded as in the case of oaths of other county officers.

75 Salaries or compensation of paid probation officers shall be
76 fixed by the judge, not to exceed the sum herein provided for,
77 and any bills for expenses, not exceeding the sums herein pro-
78 vided for, shall be certified to by the judge as being necessary
79 in and about the performance of the duties of the probation
80 officer or officers. The court or judge having jurisdiction may,
81 if it be deemed best, apportion the allowance to probation offi-
82 cers among any two or more of them, but the total amount for
83 any county shall not exceed the amount for such county fixed
84 herein. The compensation and expenses allowed to probation
85 officers hereunder shall be paid in monthly installments from the
86 county treasury.

87 Nothing herein contained, however, shall be held to limit or
88 abridge the power of the judge to appoint any number of per-
89 sons as probation officers that may be willing to serve without

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James A. Hays

Chairman Senate Committee.

90 pay from the county for their services and that the judge may

91 see fit to appoint.

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James A. Dyer
Chairman Senate Committee.

W. M. Shiner
Speaker of the House of Delegates.

Scot Hall
Clerk of the House of Delegates.

A. B. Matthews
President of the Senate.

Arthur R. [unclear]
Clerk of the Senate.

James P. Smith
Chairman House Committee.

The within is.....

this.....day of....., 1933.

.....
Governor.

Filed in the office of the Secretary of State
of West Virginia. **MAR 18 1933**
Wm. S. O'BRIEN,
Secretary of State