

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1935**



**ENROLLED**

**SENATE BILL No.** 76

(By Mr. Beacom)



PASSED March 9 1935

In Effect from Passage

76

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**Senate Bill No. 76**

(BY MR. BEACOM)

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AN ACT to amend article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto section twenty-nine, creating a criminal identification bureau of fingerprints, records and statistics, within the department of public safety, conferring powers and duties upon the superintendent of said department, the officer in charge of, and the members of said criminal identification bureau, requiring peace officers and persons in charge of penal institutions, correctional institutions and jails to take finger prints and make reports respecting crime and criminals and to furnish same to such bureau and providing certain penalties for

violation of the provisions thereof and the destruction of the records therein.

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

That article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto section twenty-nine, to read as follows:

Section 29. The superintendent of the department of public safety shall establish, equip and maintain at the offices of the department located at Charleston, a criminal identification bureau, for the purpose of receiving and filing fingerprints, photographs and other records pertaining to the investigation of crime and the apprehension of criminals, as hereinafter provided. The superintendent shall appoint or designate a regularly enlisted member of the department as officer in charge of the criminal identification bureau and such officer shall be a qualified fingerprint expert and shall be responsible to the superintendent for the affairs of the bureau. Members of the department assigned to the criminal identification bureau shall classify and file fingerprints, compare the fingerprints of persons arrested with those on file and notify the arresting officer if it is found by comparison of fingerprints that any person

16 has a previous criminal record, or is a fugitive from justice.  
17 They shall also cooperate with other members of the department  
18 of public safety, and all state, county and city law enforcement  
19 officials throughout the state in connection with the identifica-  
20 tion and apprehension of criminals. Such members shall co-  
21 operate with identification bureaus of other states and of the  
22 United States, to develop and carry on a complete interstate,  
23 national and international system of criminal identification.  
24 They may furnish copies of the fingerprints of persons ar-  
25 rested in this state to the identification bureau of the United  
26 States government and to other states for the purpose of  
27 ascertaining if such persons have been previously arrested or  
28 convicted of crime.

29 (1) Persons in charge of any penal or correctional insti-  
30 tution in this state shall take, or cause to be taken, the finger  
31 prints and description of all persons lawfully committed thereto  
32 or confined therein and furnish the same in duplicate to the  
33 criminal identification bureau, department of public safety at  
34 Charleston. Such fingerprints shall be taken on forms approved  
35 by the superintendent of the department of public safety. All  
36 such officials as herein named may, when possible to do so,

37 furnish photographs to the criminal identification bureau of  
38 such persons so finger printed.

39 (2) Members of the department of public safety, and all  
40 other state law enforcement officials, sheriffs' deputy sheriffs,  
41 constables, and each and every peace officer in this state, shall  
42 take or cause to be taken the fingerprints and description of  
43 all persons arrested or detained by them, charged with any  
44 crime or offense in this state, in which the penalty provided  
45 therefor is confinement in any penal or correctional institution,  
46 or of any person who they have reason to believe is a fugitive  
47 from justice or an habitual criminal, and furnish the same in  
48 duplicate to the criminal identification bureau, department of  
49 public safety, Charleston, on forms approved by the superin-  
50 tendent of said department of public safety. All such officials  
51 as herein named may, when possible to do so, furnish to the  
52 criminal identification bureau, photographs of such persons  
53 so finger printed. The arresting officer shall submit to the  
54 criminal identification bureau, in duplicate, a report of final  
55 disposition concerning any case held for court, or in any case  
56 in which the disposition thereof has not been previously fur-  
57 nished to said bureau (on the fingerprint record of the person

58 arrested). Such report of final disposition shall be made on  
59 forms furnished or approved by the superintendent of the  
60 department of public safety.

61 (3) Any person who has been finger printed or photographed  
62 in accordance with the provisions of this act, who is acquitted  
63 of the charges upon which he or she was arrested, and who has  
64 no previous criminal record, may, upon the presentation of  
65 satisfactory proof to the superintendent of the department of  
66 public safety, have such fingerprints or photographs, or both,  
67 returned to them.

68 (4) Neglect or refusal of any person mentioned in this act  
69 to make the report required herein, or to do or perform any  
70 act on his or her part to be done or performed in connection  
71 with the operation of this act, shall constitute a misdemeanor,  
72 and such person shall, upon conviction thereof, be punished by  
73 a fine of not less than twenty-five nor more than two hundred  
74 dollars, or by imprisonment in the county jail for a period of  
75 not exceeding sixty days, or both, in the discretion of the  
76 court. Such neglect shall constitute misfeasance in office and  
77 subject such person to removal from office. Any person who  
78 wilfully removes, destroys, or mutilates any of the records of

79 the department of public safety, shall be guilty of a misde-  
80 meanor, and such person shall, upon conviction thereof, be  
81 punished by a fine not exceeding one hundred dollars, or by  
82 imprisonment in the county jail for a period of not exceeding  
83 six months, or by both, in the discretion of the court.

84 (5) Should any of the provisions of this act be held uncon-  
85 stitutional by any court of competent jurisdiction, the same  
86 shall not effect the validity of the act as a whole or any part  
87 thereof, other than the portion so held invalid.

I certify that the foregoing act,  
having been presented to the Governor for  
his approval, and not having been returned  
by him to the House of the Legislature in  
which it originated within the time pre-  
scribed by the constitution of the state, has  
become a law without his approval.

This the 15<sup>th</sup> day of March,  
1935.

  
SECRETARY OF STATE

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

*Clinton L. Howard*

Chairman Senate Committee

*Arnold M. Dickerson*

Chairman House Committee

Originated in the

*Senate*

Takes effect

*from*

passage.

*Abund only*

Clerk of the Senate

*pro & Hall*

Clerk of the House of Delegates

*Chas. E. Hodges*

President of the Senate

*John R. Belter*

Speaker House of Delegates

The within..... this the.....

day of....., 1935.

Governor

Filed in the office of the Secretary of State of West Virginia. **MAR 15 1935**

Wm. S. O'BRIEN,  
Secretary of State