

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1937**



**ENROLLED**

**SENATE BILL No.** 237

(By Mr. Paull.)



**PASSED** March 6 1937

**In Effect** 90 days from Passage

**ENROLLED**  
**Senate Bill No. 237**

(BY MR. PAULL) (by request)

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[Passed March 6, 1937; in effect ninety days from passage.]

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AN ACT to amend and reenact section one, article four, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to duties of prosecuting attorney.

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

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

Section 1. It shall be the duty of the prosecuting attorney

2 to attend to the criminal business of the state in the county

3 in which he is elected and qualified, and when he has informa-

4 tion of the violation of any penal law committed within such  
5 county, he shall institute and prosecute all necessary and  
6 proper proceedings against the offender, and may in such case  
7 issue or cause to be issued a summons for any witness he  
8 may deem material. Every public officer shall give him infor-  
9 mation of the violation of any penal law committed within  
10 his county. It shall also be the duty of the prosecuting at-  
11 torney to attend to civil suits in such county in which the  
12 state, or any department, commission or board thereof, is  
13 interested, and to advise, attend to, bring, prosecute or de-  
14 fend, as the case may be, all matters, actions, suits and pro-  
15 ceedings in which such county or any county board of  
16 education is interested. It shall also be the duty of the  
17 prosecuting attorney, when requested by the attorney gen-  
18 eral, to perform or to assist the attorney general in perform-  
19 ing, in the county in which he is elected, any legal duties  
20 required to be performed by the attorney general, and which  
21 are not inconsistent with the duties of the prosecuting attor-  
22 ney as the legal representative of such county. It shall also  
23 be the duty of the prosecuting attorney, when requested by  
24 the attorney general, to perform or to assist the attorney

25 general in performing, any legal duties required to be per-  
26 formed by the attorney general, in any county other than  
27 that in which such prosecuting attorney is elected, and for the  
28 performance of any such duties in any county other than  
29 that in which such prosecuting attorney is elected he shall  
30 be paid his actual expenses.

31 Upon the request of the attorney general the prosecuting  
32 attorney shall make a written report of the state and condi-  
33 tion of the several causes in which the state is a party, pend-  
34 ing in his county, and upon any matters referred to him by  
35 the attorney general as provided by law.

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

Carl B. Galbreath  
Chairman Senate Committee

Deeds Bulker  
Chairman House Committee

Originated in the.....

Takes effect.....passage.

Shannon  
Clerk of the Senate

Mo. S. Hall  
Clerk of the House of Delegates

Chas. E. Hodge  
President of the Senate

James Kay Thomas  
Speaker House of Delegates

The within Approved this the 13<sup>th</sup>  
day of March, 1937.

Harmon A. Holt  
Governor