WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1939

ENROLLED

HOUSE BILL No. 4

(By Mr. Speaker, Mr. Thomas.)

PASSED Feb. 20, 1939

In Effect from Passage
AN ACT to amend and reenact section sixteen, article eleven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to the term of imprisonment for felony, and to repeal sections twenty-nine and thirty, article five, chapter twenty-eight of the Code of West Virginia, one thousand nine hundred thirty-one.

Be it enacted by the Legislature of West Virginia:

That sections twenty-nine and thirty, article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, be repealed and that section sixteen, article eleven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 16. Term of Imprisonment for Felony; Indeterminate Sentence. Every sentence to the penitentiary of a per-
son convicted of a felony, for which the maximum penalty prescribed by law is less than life imprisonment, shall be a general sentence of imprisonment in the penitentiary. In imposing this sentence, the judge may, however, designate a definite term, which designation may be considered by the director of probation and parole as the opinion of the judge under the facts and circumstances then appearing of the appropriate term recommended by him to be served by the person sentenced. Imprisonment under a general sentence shall not exceed the maximum term prescribed by law for the crime for which the prisoner was convicted, less such good time allowance as is provided by sections twenty-seven and twenty-seven-a, article five, chapter twenty-eight of this code, in the case of persons sentenced for a definite term. Every other sentence of imprisonment in the penitentiary shall be for a definite term or for life, as the court may determine. The term of imprisonment in jail, where that punishment is prescribed in the case of conviction for felony, shall be fixed by the court.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within day of , 1939.

Governor.

Filed in the office of the Secretary of State of West Virginia.

Wm. S. O'BRIEN, Secretary of State

MAR 2, 1939