

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 8

(By Mr. Speaker, Mr. Thomas)



PASSED Feb. 20, 1939

In Effect from Passage

ENROLLED
House Bill No. 8

(BY MR. SPEAKER, MR. THOMAS)

[Passed February 20, 1939; in effect from passage.]

AN ACT to amend and reenact sections eighteen and nineteen, article eleven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to the punishment of second and third offenders.

Be it enacted by the Legislature of West Virginia:

That sections eighteen and nineteen, 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 18. *Punishment for Second Offense of Felony.* When
2 any person is convicted of an offense, and sentenced to con-
3 finement therefor in the penitentiary, and it is alleged in the
4 indictment on which the person is convicted, and admitted, or
5 by the jury found, that the person had been before convicted in
6 the United States of a crime punishable by imprisonment in a

7 penitentiary, the court shall, if the sentence to be imposed is
8 for a definite term of years, add five years to the time for which
9 the person is or would be otherwise sentenced. Whenever in
10 such case the court imposes an indeterminate sentence, five
11 years shall be added to the maximum term of imprisonment
12 otherwise provided for under such sentence.

Sec. 19. *Punishment for Third Offense of Felony.* When
2 any such convict shall have been twice before convicted in
3 the United States of a crime punishable by confinement in a
4 penitentiary, the person shall be sentenced to be confined in the
5 penitentiary for life. But before such sentence may be lawfully
6 imposed, it must be alleged in the indictment on which the
7 person is convicted, and admitted, or by the jury found, that
8 such convict had theretofore been twice so convicted.

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

Frank Mullender
Acting Chairman Senate Committee

W. B. Walker
Chairman House Committee

Originated in the *House of Delegates*

Takes effect *from* passage.

Chas. H. ...
Clerk of the Senate

W. H. Hall
Clerk of the House of Delegates

Wm. ...
President of the Senate

James L. Thomas
Speaker House of Delegates

The within *approved* this the *27th*
day of *February*, 1939.

Sam ...

Governor.



Filed in the office of the Secretary of State
of West Virginia. **FEB 27 1939**

Wm. S. O'BRIEN,
Secretary of State